

JOURNAL
OF THE
SENATE
OF THE
STATE OF ALABAMA
FIRST
EXTRAORDINARY
SESSION OF 1978

HELD IN THE CITY OF MONTGOMERY, ALABAMA
COMMENCING TUESDAY, JANUARY 3, 1978



Vol. 1

WITH AN INDEX PREPARED BY THE
SECRETARY OF THE SENATE

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FIRST LEGISLATIVE DAY
TUESDAY, JANUARY 3, 1978

BE IT REMEMBERED, that on the 3rd day of January, A. D., 1978, George C. Wallace, Governor of the State of Alabama, issued his proclamation in words and figures as follows, to-wit:

STATE OF ALABAMA
PROCLAMATION
BY THE GOVERNOR

WHEREAS, the Unemployment Compensation Amendments of 1976 (P.L. 94-566), enacted by the Congress of the United States, mandated certain amendments to be made to the unemployment compensation statutes of the various states, including Alabama; and

WHEREAS, the said P. L. 94-566 requires that these amendments be made effective January 1, 1978, in order to be in compliance with the Federal law, and thereby allowing the employers and employees in the State of Alabama to continue receiving the benefits under the Federal legislation; and

WHEREAS, the United States Department of Labor has provided the State of Alabama with its written authority to continue our State qualification under a temporary deferral, provided the Legislature enacts the Federally-mandated amendments early in January, 1978, by legislation which is retroactive to January 1, 1978; and

WHEREAS, there exists an extraordinary situation in the State of Alabama which demands the convening of the Legislature of Alabama in extraordinary session, as prescribed by Article 5, Section 122, of the Constitution of Alabama, 1901:

NOW, THEREFORE, I, George C. Wallace, Governor of the State of Alabama, do hereby proclaim and direct that the Legislature of the State of Alabama convene in extraordinary session at the seat of Government in Montgomery, Alabama, at four o'clock p.m. on the 3rd day of January, 1978, and I do designate the following subject and matter to be considered and acted upon by said Legislature in extraordinary session assembled:

1. Legislation to amend the Alabama Unemployment Compensation Act so as to expand coverage to employees of the State and its instrumentalities and to provide financing for the benefit costs for such employees; to extend coverage to employees of political subdivisions of this State, certain

agricultural and domestic employers and public and non-profit primary and secondary schools; to accelerate the recovery of the Trust Fund to a more solvent condition by increasing the employers' rate of contribution by one-half percent (but not above the present 4.0% maximum rate) and to increase the taxable wage base from the current \$4,800 and the federally required \$6,000 to \$6,600; to require the expenditure of monies from the various funds, departments and agencies of the State and its various political subdivisions and to make an appropriation from the Special Educational Trust Fund for benefit costs to local school systems, and to give the Act retroactive effect.

And to otherwise meet the requirements of the Unemployment Compensation Amendments of 1976, passed by the Congress of the United States, being P.L. 94-566.

IN WITNESS WHEREOF, I have hereunto set my hand as Governor of the State of Alabama and caused the Great Seal to be affixed, and have caused this proclamation to be attested by the Secretary of State, at the Capitol, in the City of Montgomery, on this the 14th day of December, 1977.

GEORGE C. WALLACE,
Governor.

ATTEST:

MRS. AGNES BAGGETT
Secretary of State

Pursuant to such proclamation, at the hour of 4 o'clock P.M. on Tuesday, January 3, 1978, the Senators in the Legislature of Alabama assembled in the Senate Chamber.

The Senate was called to order by the Honorable Jere Beasley, Lieutenant Governor and President and Presiding Officer of the Senate. McDowell Lee, Secretary, was present and acted as such according to law.

PRAAYER

The Session was opened with prayer by Doctor Cecil E. Bradley, Pastor, Saint James United Methodist Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Waldrop, Wilson.

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LEAVE OF ABSENCE

On motion of Mr. Fine, leave of absence was granted Mr. Stewart for today.

COMMUNICATION FROM THE SECRETARY OF STATE

The following certificate of election was read by the Secretary:

STATE OF ALABAMA
DEPARTMENT OF STATE

I, Mrs. Agnes Baggett, Secretary of State of the State of Alabama, do hereby certify that in accordance with the provisions of Amendment XCVII, 1901 Constitution of Alabama, that the following named person was elected to the STATE SENATE for the remainder of the unexpired term of Obie J. Littleton, from Senate District No. 18.

Lister Hill Proctor,

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State, at the Capitol, in the City of Montgomery, this the 19th day of September, One Thousand Nine Hundred and Seventy-seven.

MRS. AGNES BAGGETT,
Secretary of State.

STATEMENT BY PRESIDING OFFICER

The President and Presiding Officer of the Senate made the following statement relative to the Oath of Office, to-wit:

The oath of office prescribed by the Constitution of the State of Alabama has previously been administered to the following member of the Senate certified elected by the Secretary of State, his credentials having been presented, and oath of office subscribed to by said Senator, to-wit:

Lister Hill Proctor

RESOLUTIONS

Mr. Fine offered the following Senate Resolution, to-wit:

S. R. 1. BE IT RESOLVED BY THE SENATE That that part of Senate Rule 2, which states "The Senate shall meet at 12 o'clock noon on the first day of any organizational, special, or regular session", shall be suspended for this special session only.

On motion of Mr. Fine, the rules were suspended and the Resolution was adopted by the Senate.

Mr. Fine then offered the following Senate Joint Resolution, to-wit:

S. J. R. 2. COMMITTEE APPOINTED TO NOTIFY GOVERNOR LEGISLATURE IS IN SESSION

BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, That a committee of three members of the Senate, to be named by the President and Presiding Officer of the Senate, and three members of the House, to be named by the Speaker of the House, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

BE IT FURTHER RESOLVED That said Committee ascertain from His Excellency if he desires to address a joint session of the Legislature and, if he does desire to address a joint session, to further ascertain the time most suitable to him for such address.

On motion of Mr. Fine, the rules were suspended and the Resolution was adopted by the Senate.

And the President and Presiding Officer of the Senate appointed as committee on part of the Senate Messrs. Perry, Miller, and Goodwin.

Mr. Fine then offered the following Senate Joint Resolution, to-wit:

S. J. R. 3. RELATING TO THE PRINTING OF ACTS AND JOURNALS

BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, That the printed Journals and Acts of the Special Session of the Legislature of 1978 be bound respectively with the printed Journals and Acts of the Regular Session of 1978.

On motion of Mr. Fine, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Shelby offered the following Senate Joint Resolution, to-wit:

S. J. R. 4. COMMENDING THE UNIVERSITY OF ALABAMA'S CRIMSON TIDE ON THEIR 1978 SUGAR BOWL VICTORY.

WHEREAS, Coach Paul Bryant and his Crimson Tide made it three in a row in post season play with a spectacular 35 to 6 win over Ohio State in the Sugar Bowl on January 2, 1978; and

WHEREAS, a record Super Dome crowd and the entire nation witnessed as the Tide taught football to Coach Woody Hayes and his Buckeyes of Ohio State; and

WHEREAS, this was Alabama's 31st bowl game participation, career victory number 273 for Coach Bryant, an historical first-time pairing of the Tide against the Buckeyes and a first-time meet of football's famous Bryant and Hayes; it was a big win for Alabama and in the minds and hearts of us all, a valid claim for the number one rating in the nation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend with pride the outstanding regular season 11-1 record of Alabama's Crimson Tide and wholeheartedly congratulate both coaches and players alike on their notable Sugar Bowl victory of 1978.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Coach Paul Bryant, to his coaching staff, and a copy to each of the nation's number one champions.

Which was read and referred to the Standing Committee on Rules.

By unanimous consent, the names of all the members of the Senate were added as co-sponsors of the above Resolution.

Mr. Noonan offered the following Senate Joint Resolution, to-wit:

S. J. R. 5. COMMENDING MR. ION S. WALKER FOR OUTSTANDING SERVICE ON THE MOBILE COUNTY RACING COMMISSION.

WHEREAS, the Legislature of Alabama has noted, with deep appreciation, the notable service of Mr. Ion S. Walker as a member and Secretary of the first Mobile County Racing Commission; and

WHEREAS, during Mr. Walker's term of service, the Commission was

responsible for supervising the establishment, licensing and operation of the first dog racing track in Alabama; and

WHEREAS, Mr. Ion S. Walker devoted considerable time, interest and effort to the work of the Mobile County Racing Commission in order to assure that dog racing would be conducted in an efficient, honest and proper manner; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mr. Ion S. Walker for his many outstanding contributions and dedicated service as a member and Secretary of the first Mobile County Racing Commission; we join with the entire Mobile County Legislative Delegation in extending our thanks for excellence in the performance of his duties.

BE IT FURTHER RESOLVED, That Mr. Walker be presented with a copy of this resolution as evidence of our appreciation and esteem.

Which was read and referred to the Standing Committee on Rules.

Messrs. Bank and Mims offered the following Senate Joint Resolution, to-wit:

S. J. R. 6. MEMORIALIZING PRESIDENT CARTER AND THE U.S. CONGRESS TO GIVE IMMEDIATE ATTENTION TO THE LAMENTABLE PLIGHT OF THE AMERICAN FARMER AND TO TAKE REMEDIAL ACTION FORTHWITH.

WHEREAS, the Alabama legislature is cognizant that these are days of unparalleled crisis for the vast majority of American farmers on whom our entire nation depends for sustenance; and

WHEREAS, if our farmers are to continue meeting the agricultural needs of our country, it is imperative that they receive a fair and equitable return for the labor and investments necessary to produce their crops; and

WHEREAS, there exists an obvious discrepancy in the distribution of profits from farmer to consumer with the farmer receiving far less than his fair share; and

WHEREAS, the decisive moment for formulating corrective action is upon us; the need for remedy is acute and must be faced without delay; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the members of the Alabama legislature hereby urge the President and the Congress of the United States to give immediate attention to the dire plight of the American farmer and to take whatever action necessary to remedy the deplorable economic conditions that have existed far too long.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to President Carter, and one to each member of the Alabama Congressional Delegation in Washington, D.C.

Which was read and referred to the Standing Committee on Rules.

MOTION TO ADJOURN ADOPTED

Mr. Fine moved that when the Senate adjourns today, it adjourn to meet again on Wednesday, January 4, 1978, which motion was adopted.

MESSAGE FROM THE GOVERNOR

To the Senate
State Capitol
Montgomery, Alabama 36130

Gentlemen:

I herewith transmit to you a Message from the Governor.

Respectfully submitted,
HENRY B. STEAGALL, II,
Executive Secretary.

Done this 3rd day of January, 1978.

To the Senate
State Capitol
Montgomery, Alabama 36130

Gentlemen:

I have called you into extraordinary session today so that you may consider and pass unemployment compensation legislation to bring the State of Alabama into compliance with changes in Federal law.

It is imperative that we pass the necessary legislation as soon as possible and it is my opinion that the bill can be passed in a five day session. This will result in having the bill considered and enacted into law prior to the convening of the regular session on January 10th: it will also mean that the legislation can become law as soon as possible after January 1st, the effective date of the Federal legislation.

Based on an opinion of the Attorney General of Alabama and communications from the Secretary of Labor, I am convinced that the legislation can be made retroactive to January 1st; however, it is urgent that such passage be completed as soon as possible.

The failure of your body to enact all of the required provisions of the Federal law and to implement these provisions effective January 1, 1978, will result in the denial of offset credit that has heretofore been available to Alabama employers. This would amount to approximately \$160,000,000 annually. Neither the Secretary of Labor nor the Secretary of the Treasury have any discretion in this matter since the sanctions are quite clearly spelled out in Federal law.

In addition, Alabama would become ineligible for Federal grants for the administration of the Unemployment Insurance Program and certain portions of the employment service operation amounting to some two million dollars per month. These funds will be withheld until the law is enacted.

Alabama's working people and employers will be adversely affected in other significant ways should we for any reason fail to provide this much needed legislation early in January.

As you know, this legislation was introduced in the 1977 regular session but died in conference committee on the last night of the session. It was again presented in the special session but failed to pass.

I know that you, as members of the Legislature, join me in expressing

appreciation to those who have worked long hours to bring about a near total agreement in this matter. Should there be suggested changes or amendments, I hope that you would deal with them as expeditiously as possible and, in any event, within the minimum of five legislative days. I do know that a sincere effort has been made to reach agreement on such issues as support personnel for schools and while everyone involved may not be in total agreement, I do feel that for all practical purposes this matter has been resolved.

I appreciate your willingness to meet and work on this matter prior to the regular session and I again urge you to consider this legislation promptly.

Respectfully,

GEORGE C. WALLACE,
Governor.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, was read and ordered spread upon the Journal.

MESSAGE FROM THE HOUSE

Mr. President:

I have been directed by the House to advise the Senate that the House is now in session and is ready for the transaction of public business.

John W. Pemberton,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Crowe:

H. J. R. 2. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a committee of three members of the House, to be named by the Speaker of the House, and two members of the Senate, to be named by the Presiding Officer of the Senate, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

And the Speaker has named Messrs. Plaster, McCluskey and Venable.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 2, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I transmit herewith a Message from the Governor relative to an appointment to the Pardons and Paroles Board.

Respectfully submitted,
HENRY B. STEAGALL, II,
Executive Secretary.

Done this 3rd day of January, 1978.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Reverend John Thomas Porter to the Pardons and Paroles Board for the term expiring June 30, 1983.

Respectfully,
GEORGE C. WALLACE,
Governor.

Done this 3rd day of January, 1978.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the State Pardons and Paroles Board, was read and referred to the Standing Committee on Rules.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Messrs. Wilson and Goodwin:

S. 1. To amend Section 25-4-8, Section 25-4-10, Section 25-4-16, Section 25-4-51, Section 25-4-54, Section 25-4-70, Section 25-4-74, Section 25-4-75, Section 25-4-130, Section 25-4-131, and Section 25-4-145 of the Code of Alabama, 1975, relating to the Alabama Unemployment Compensation Act, so as to expand coverage to employees of the State and its instrumentalities and to provide financing for the benefit costs for such employees; to extend coverage to employees of political subdivisions of this State, certain agricultural and domestic employers and public and non profit primary and secondary schools; to accelerate the recovery of the Trust Fund to a more solvent condition by increasing the employers' rate of contribution by one-half percent (but not above the present 4.0% maximum rate) and to increase the taxable wage base from the current \$4,800 and the federally required \$6,000 to \$6,600; to require the expenditure of monies from the various funds, departments and agencies of the state and its various political subdivisions and to make an appropriation from The Special Educational Trust Fund for benefit costs to local school systems, and to give the Act retroactive effect.

Committee on Finance and Taxation.

By Mr. Perloff:

S. 2. To authorize the county commission or other like governing body of any county having a population of not less than 300,000 nor more than 500,000 according to the most recent federal decennial census, to select and appoint a secretary for each county commissioner, to provide for the appointment of such secretary, to provide for the salary of each secretary, and the method of payment of such secretary.

Committee on Local Legislation No. 1.

By Mr. Little:

S. 3. To name the auditorium at Southern Union State Junior College in Wadley, Randolph County, Alabama, "The Tom Brazeal Auditorium."

Committee on State Government.

By Mr. Little:

S. 4. To name the science-fine arts building at Southern Union State Junior College in honor of A. R. Van Cleave.

Committee on State Government.

By Mr. McDonald (A):

S. 5. Proposing and providing for further amendment to Article XVIII, Section 284 of the Constitution of 1901, as amended, so as to prescribe the times for holding elections on constitutional amendments, the exception thereto and setting the required majority for passage in each house of the legislature.

Committee on Constitution and Elections.

The above Bill was read a first time at length as required by the Constitution.

By Mr. McDonald (A):

S. 6. To amend Section 1 of Act No. 796, H. 1033 of the 1971 Regular Session of the Legislature of Alabama (1971 Acts p. 1530) relating to cities having populations of not less than 70,000 nor more than 300,000 according to the 1970 or any subsequent federal decennial census so as to provide that in cities having populations of not less than 135,000 nor more than 185,000 the run-off date for members of the city board of education is changed.

Committee on Local Legislation No. 1.

By Mr. Waldrop:

S. 7. To amend the Alabama Civil Defense Act of 1955 now appearing in Sections 31-9-2 through 31-9-24, Code of Alabama 1975, so as to authorize state grants for local civil defense and emergency preparedness programs.

Committee on State Government.

By Mr. Waldrop:

S. 8. To amend Section 16-11-1, Code of Alabama 1975, relating to education so as to redefine a "city" within the meaning of Title 16.

Committee on Local Government.

By Mr. McDonald (A):

S. 9. To amend Sections 1 and 3 of Act No. 738, H. 1596, of the 1971 Regular Session of the Legislature of Alabama relating to cities having a population of not less than 135,000 nor more than 185,000 according to the 1970 or any subsequent federal decennial census so as to provide that the successors of the incumbent council members serving in places Number 3, 4, and 5 shall be elected on the first Tuesday next, after Labor Day in the year 1978, for a two-year term commencing on the first Monday in October next, after their election, and thereafter for terms of four years commencing on the first Monday in October next, after their election; and to change the run-off date of such election to coincide with the run-off date of state elections.

Committee on Local Legislation No. 1.

By Mr. Waldrop:

S. 10. To amend Section 40-9-1, Code of Alabama 1975, so as to exempt from ad valorem taxation all property owned by Loyal Order of Moose or lodge thereof, provided such property is used and occupied exclusively by such organization.

Committee on Finance and Taxation.

ADJOURNMENT

At 4:35 P.M., on motion of Mr. Vacca, in accordance with motion heretofore adopted, the Senate adjourned until Wednesday, January 4, 1978, at 8 o'clock A.M.

SECOND LEGISLATIVE DAY

WEDNESDAY, JANUARY 4, 1978

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

PRAYER

The Session was opened with prayer by Doctor John H. Burrows, Pastor, First Baptist Church, LaFayette, Alabama.

ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Gilmore, Higginbotham, Jones, King, Little, McDonald (A), Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Vacca, Waldrop, Wilson.

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JOURNAL

On motion of Mr. Fine, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the First Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

Maston Mims,
Vice Chairman.

COMMITTEE REPORT

On motion of Mr. Mims, the foregoing report was concurred in and the Journal of the Senate for the First Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. Fine, leave of absence was granted Messrs. Clemon, Goodwin, McDonald (S), McMillan, Stewart, and Teague for today.

REPORT FROM RULES

Mr. Mims, Vice Chairman of the Standing Committee on Rules, reported that said committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of the Reverend John Thomas Porter to the State Board of Pardons and Paroles.

On motion of Mr. Pearson, the appointment of the Reverend John Thomas Porter was confirmed by the Senate.

Yeas 27; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Gilmore, Higginbotham, Jones, King, Little, McDonald (A), Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Powell, Proctor, Roberts, St. John, Shelby, Vacca, Waldrop, Wilson.

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Nays:

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MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Falkenburg:

H. J. R. 8. INVITING THE CHIEF JUSTICE OF THE ALABAMA SUPREME COURT TO ADDRESS THE LEGISLATURE OF ALABAMA.

WHEREAS, the revised Judicial Article VI of the Alabama Constitution was approved by the electorate of the state on December 18, 1973, as Amendment Number 328 to the Constitution of 1901; and

WHEREAS, implementation of the mandates of said Judicial Article VI

have created unforeseen problems in various areas with the fiscal impact on the operation of the Courts of Alabama in the most urgent and compelling need of rectification; and

WHEREAS, having been recently elevated to the highest judicial office in the state, our former beloved and trusted colleague in the Legislature, C. C. Torbert, Jr., is serving currently as Chief Justice of the Alabama Supreme Court; he has vivid insight and a profound understanding of the dilemmas presently facing our courts; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most respectfully extend to Chief Justice C. C. Torbert an invitation to address the House and Senate of the Alabama Legislature, on THIRD (3) LEGISLATIVE DAY, on the problems now being experienced as a result of implementation of the mandates of Amendment Number 328 to the Constitution of Alabama.

BE IT FURTHER RESOLVED, That the Clerk of the House of Representatives is hereby directed to inform Chief Justice Torbert, by copy of this resolution, of our invitation to address the Alabama Legislature.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 8, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Pegues, Falkenburg and Killian:

H. J. R. 3. POSTPONING THE DAY FOR FILING THE FINAL REPORT OF THE COMMITTEE CREATED BY ACT NO. 755, OF THE 1976 LEGISLATURE.

WHEREAS, Act No. 755, H. J. R. 326, of the Regular Session of the 1976 Legislature created a select joint committee to study the rising cost to the state of the Medicare and Medicaid programs; and

WHEREAS, Act No. 22, S. J. R. 240, of the Regular Session of the 1977 Legislature extended the existence of said committee and directed that the committee report its findings, conclusions and recommendations to the Legislature not later than the tenth legislative day of the 1978 Regular Session; and

WHEREAS, it is deemed wise and expedient that this committee have more time in which to report its findings; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Select Joint Committee to Study the Rising Cost to the State of the Medicare and Medicaid Programs, created by Act No. 755, H. J. R. 326, 1976 Regular Session, report its findings not later than the twenty-ninth legislative day of the 1978 Regular Session.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 3, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Merrill and Folmar:

H. J. R. 11. CONGRATULATING AND COMMENDING JACKSONVILLE STATE UNIVERSITY ON PARTICIPATING IN THE NATIONAL NCAA DIVISION II FOOTBALL FINALS.

WHEREAS, the Gamecocks of Jacksonville State University compiled an impressive 11-2 record for the 1977 season, a season dedicated to their late Coach Clarkie Mayfield who so tragically lost his life in the devastation by fire of the Beverly Hills Supper Club in Southgate, Kentucky, on May 28, 1977; and

WHEREAS, Jim Fuller, former lineman on Alabama's national championship teams of 1964 and 1965, succeeded his close friend as JSU head coach and directed the Gamecocks not only to an enviable winning season, but to the Pioneer Bowl in Wichita Falls, Texas, in a bid for the national championship against Lehigh of Pennsylvania, an impressive accomplishment worthy of praise by Alabama and the entire Gulf South Conference; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Jacksonville State University on a tremendously successful season and congratulate them, with great pride, on reaching the National NCAA Division II finals.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Jacksonville State University for appropriate display, to Coach Jim Fuller and to the members of this outstanding team.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 11, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Albright:

H. J. R. 9. CONGRATULATING AND COMMENDING THE LEE HIGH SCHOOL GENERALS ON WINNING THE 1977 HUNTSVILLE CITY FOOTBALL CHAMPIONSHIP.

WHEREAS, the Legislature of Alabama has noted, that the 1977 Huntsville City Football Championship was won by Lee High School by virtue of their victory over previously unbeaten Butler High School; and

WHEREAS, this was the first City Championship for the Lee Generals, their first participation in the State Football Playoffs and, as a result of their win over Butler, they also tied for the Regional Championship; and

WHEREAS, Head Coach John Childress and his talented staff directed the Generals to an overall season record of 8-3-1, with each member of the team contributing to this enviable record as well as to their post-season play; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate the Lee High School Generals on their Huntsville City Championship and highly commend the entire team and coaching staff on their outstanding accomplishments on the gridiron in 1977.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to: Head Coach John Childress, Offensive Coordinator Glenn Nunley, Defensive Coordinator Mike Gerry, Assistant Coaches Johnny Walters, Reid Moseley, Walter McGinnes, Rod Collins and Johnny Mummaugh; also to Team Captains Lynn Webster and Thomas Boyd; and a copy to Principal Jasper Jenkins on behalf of the entire school.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 9, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

REPORTS OF COMMITTEES

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Waldrop:

S. 10. To amend Section 40-9-1, Code of Alabama 1975, so as to exempt from ad valorem taxation all property owned by Loyal Order of Moose or lodge thereof, provided such property is used and occupied exclusively by such organization.

Mr. King, Chairman of the Standing Committee on Constitution and Elections, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. McDonald (A) (With Substitute):

S. 5. Proposing and providing for further amendment to Article XVIII, Section 284 of the Constitution of 1901, as amended, so as to prescribe the times for holding elections on constitutional amendments, the exception thereto and setting the required majority for passage in each house of the legislature.

The above Bill was read a second time at length as required by the Constitution.

Mr. Jones, Chairman of the Standing Committee on State Government, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Little:

S. 3. To name the auditorium at Southern Union State Junior College in Wadley, Randolph County, Alabama, "The Tom Brazeal Auditorium."

By Mr. Little:

S. 4. To name the science-fine arts building at Southern Union State Junior College in honor of A. R. Van Cleave.

By Mr. Waldrop:

S. 7. To amend the Alabama Civil Defense Act of 1955 now appearing in Sections 31-9-2 through 31-9-24, Code of Alabama 1975, so as to authorize state grants for local civil defense and emergency preparedness programs.

Mr. Baker, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Perloff:

S. 2. To authorize the county commission or other like governing body of any county having a population of not less than 300,000 nor more than 500,000 according to the most recent federal decennial census, to select and appoint a secretary for each county commissioner, to provide for the appointment of such secretary, to provide for the salary of each secretary, and the method of payment of such secretary.

By Mr. McDonald (A):

S. 6. To amend Section 1 of Act No. 796, H. 1033 of the 1971 Regular Session of the Legislature of Alabama (1971 Acts p. 1530) relating to cities having populations of not less than 70,000 nor more than 300,000 according to the 1970 or any subsequent federal decennial census so as to provide that in cities having populations of not less than 135,000 nor more than 185,000 the run-off date for members of the city board of education is changed.

Mr. Baker, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. McDonald (A) (With Substitute):

S. 9. To amend Sections 1 and 3 of Act No. 738, H. 1596, of the 1971 Regular Session of the Legislature of Alabama relating to cities having a population of not less than 135,000 nor more than 185,000 according to the 1970 or any subsequent federal decennial census so as to provide that the successors of the incumbent council members serving in places Number 3, 4, and 5 shall be elected on the first Tuesday next, after Labor Day in the year 1978, for a two-year term commencing on the first Monday in October next, after their election, and thereafter for terms of four years commencing on the first Monday in October next, after their election; and to change the run-off date of such election to coincide with the run-off date of state elections.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Gafford:

H. J. R. 4. AMENDING S. J. R. 4 OF THE ORGANIZATIONAL SESSION 1975 (ACT NO. 8, S. J. R. 4, PAGE 18, ACTS OF 1975) WHICH CREATED THE JOINT LEGISLATIVE PARKING COMMITTEE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That S. J. R. 4 of the Organizational Session of 1975 (Act No. 8, S. J. R. 4, page 18, Acts of 1975) is hereby amended to read as follows, viz:

"That there is hereby created a joint legislative committee to control and supervise the Chief of Services, the Department of Finance, in assigning parking places to members of the legislature and legislative personnel. Said committee shall consist of two members of the House, to be appointed by the Speaker, and two members of the Senate, to be appointed by the Lieutenant Governor.

"The joint legislative committee created by this resolution is hereby authorized to control the usage of those parking spaces located immediately adjacent to the grounds of the State Capitol Building in the City of Montgomery along the side of Washington Avenue. Said legislative committee shall also control the parking on the capitol grounds itself and on the parking lot located across Union Street to the rear of the Capitol between the Administrative Building and the Highway Building."

BE IT FURTHER RESOLVED, That the provisions of this resolution are severable. If any part of the resolution is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 4, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 3. RELATING TO THE PRINTING OF ACTS AND JOURNALS.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Smith (B), Albright, Riddick, Lutz, Moore (W) and Gregg.

H. J. R. 10. COMMENDING ALABAMA A & M UNIVERSITY ON WINNING THE NATIONAL NCAA DIVISION II SOCCER CHAMPIONSHIP.

WHEREAS, in a hard-fought battle on the campus of Florida International University in Miami, the Alabama A & M University soccer team was victorious in their bid against Seattle Pacific University for the National NCAA Division II Soccer Championship; and

WHEREAS, this prestigious capture of the national crown was the culmination of an outstanding regular season with a win-loss record of 19-1, bowing only to George Washington University, Washington, D. C.; and

WHEREAS, the A & M champions were led to victory by Coach Salah Yousif and his assistant student coach, Donald Patton; William Aboko-Cole is soccer Information Director for the A & M team, Kedrick Kyles is trainer and Joseph Henderson is the university's Athletic Director; and

WHEREAS, champion team members are: Maurice Blair, James Dyer, Anyas Ejomole, Tyrone Flood, Charles Foley, Fekadu Folle, Patrick Ikem, Collins Imoh, Michael Latty, Obi Emnike, Cletud Nwawolo, Kenneth Okafor, Sylvester Onwuekwe, Derrick Plummer, Allan Richardson, James Udemba, Chudi Umenyili and Luke Whitley; each to be congratulated for his invaluable contribution in securing the team's national title and thereby winning the admiration of both Alabama and the entire conference; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend the Alabama A & M University soccer team on an outstanding season and on winning the NCAA National Championship.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to the university for appropriate display and a copy to Coach Yousif on behalf of the entire team.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 10, set out in the foregoing Message from the House was read and referred to the Standing Committee on Rules.

ADJOURNMENT

At 11:05 A.M., on motion of Mr. Peden, the Senate adjourned until Thursday, January 5, 1978, at 4 o'clock P.M.

THIRD LEGISLATIVE DAY
THURSDAY, JANUARY 5, 1978

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

PRAYER

The Session was opened with prayer by the Reverend Julian Talley, Minister, First Independent Methodist Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs. Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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JOURNAL

On motion of Mr. Fine, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Second Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

U. W. CLEMON,
Chairman.

COMMITTEE REPORT

On motion of Mr. Clemon, the foregoing report was concurred in and the Journal of the Senate for the Second Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. Fine, leave of absence was granted Messrs. Adams and Pearson for today.

REPORT OF
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said

Committee, in session, has compared the following Enrolled Senate Joint Resolution with the original Senate Joint Resolution, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 3. RELATING TO THE PRINTING OF ACTS AND JOURNALS.

U. W. CLEMON,
Chairman.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolution, the title of which is set out in the foregoing report from the Committee on Rules.

RESOLUTIONS

Mr. Mitchell offered the following Senate Joint Resolution, to-wit:

S. J. R. 7. COMMENDING THE AMERICAN FARMER AND URGING THE PRESIDENT AND CONGRESS TO ENACT LEGISLATION TO AID THE FARMER.

WHEREAS, the American farmer is the lifeblood and heartbeat of the American economic system; and

WHEREAS, the American farmer has through the years supplied the food, fiber and sustenance for this country and in fact for the world; and

WHEREAS, the price of every ingredient in the production of farm products has risen dramatically over the recent years, while the value received by the farmer has actually decreased substantially; and

WHEREAS, in this time of need the federal government and the American Congress has failed to come to the aid of the farmer in his struggle to obtain a fair price for his labor and products; and

WHEREAS, the federal government has time and again come to the aid of large corporate enterprises; and

WHEREAS, the federal government has often seemed more interested in subsidizing the non-producer rather than in protecting the right of the producer to a just price; and

WHEREAS, the labor of the American farmer touches the life of all of the American people; and

WHEREAS, the American people have a vested interest in the welfare of the American farmer; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body commends the American farm community and the Alabama farmer in particular for bringing its problems to the attention of the American people.

BE IT FURTHER RESOLVED, That this body urges the Carter Administration and the American Congress to respond to the pleas of the farming community for appropriate legislation to ensure them a fair return on their investment.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to President Carter and the members of the Alabama Congressional Delegation.

Which was read and referred to the Standing Committee on Rules.

Mr. Mims offered the following Senate Joint Resolution, to-wit:

S. J. R. 8. MEMORIALIZING PRESIDENT CARTER AND THE U. S. CONGRESS TO TAKE AFFIRMATIVE STEPS IN RESTORING THE BALANCE OF AMERICAN AGRICULTURE.

WHEREAS, the farmers of this nation are the very foundation upon which this country was built; and

WHEREAS, agriculture is over a billion dollar business in this state and as such is the key industry in Alabama; and

WHEREAS, the farmers of this state and nation represent only four per cent of the population but feed and clothe the remaining 96 per cent; and

WHEREAS, farmers should be allowed to expand, develop and compete in all potential domestic and foreign markets without fear of embargoes or restrictions; and

WHEREAS, the income of Alabama farmers dropped to a disastrous level in 1977 due to extremely unfavorable weather conditions and low farm prices; and

WHEREAS, the low income situation placed a heavy burden upon Alabama farmers which is causing grave concern and dissatisfaction among the farmers; and

WHEREAS, the drastic economic plight confronting Alabama farmers endangers the continued growth and progress of our great state;

NOW THEREFORE, BE IT RESOLVED that the Alabama Legislature, through means of this resolution, show its support to those Alabama farmers who pursue sound, constructive and legal means to improve the economic conditions of agriculture and that we urge Congress to assure that government programs for farms are responsive to the demands for short term production needs and for long term sustained development of American agriculture, recognizing that a strong agriculture provides for a strong, healthy nation.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the President of the United States, the Alabama Congressional delegation, the Secretary of Agriculture, and the Governor of the State of Alabama.

Which was read and referred to the Standing Committee on Rules.

REPORT FROM RULES

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 4. AMENDING S. J. R. 4 OF THE ORGANIZATIONAL

SESSION 1975 (ACT NO. 8, S. J. R. 4, PAGE 18, ACTS OF 1975) WHICH CREATED THE JOINT LEGISLATIVE PARKING COMMITTEE.

On motion of Mr. Clemon, said Resolution was then concurred in and adopted by the Senate.

Yeas 22; Nays 7.

Yeas:

Messrs. Baker, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Little, McDonald (S), McMillan, Miller, Mims, Noonan, Owen, Peden, Perloff, Proctor, Roberts, Shelby, Teague, Wilson.

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Nays:

Messrs. Jones, King, Mitchell, Powell, St. John, Stewart, Waldrop.

—7

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, with amendment, to-wit:

H. J. R. 8. INVITING THE CHIEF JUSTICE OF THE ALABAMA SUPREME COURT TO ADDRESS THE LEGISLATURE OF ALABAMA.

The Standing Committee on Rules reported the following amendment to the Resolution, H. J. R. 8, to-wit:

COMMITTEE AMENDMENT TO H. J. R. 8

Amend H. J. R. No. 8 by inserting the words "of the 1978 Regular Session" after the word "DAY" on line 30.

Which was adopted.

And said Resolution, H. J. R. 8, as thus amended, was then concurred in and adopted by the Senate.

RESOLUTIONS

Mr. Jones offered the following Senate Joint Resolution, to-wit:

S. J. R. 9. MOURNING THE DEATH OF EARL CLAYTON PIPPIN.

WHEREAS, it is with utmost grief and a deep sense of loss that the Legislature of Alabama notes the death of Earl Clayton Pippin who was killed in a plane crash in Jackson, Mississippi, September 12, 1977, at the age of 55; and

WHEREAS, a native of Troy, Pike County, Alabama, he was, at the time of his death, executive vice president of Alabama Consumer Finance Association, and was a prominent Montgomery Democrat who was serving as chairman of the Montgomery County Democratic Party and was active in statewide party affairs; and

WHEREAS, further, he was eminently known for his leadership in labor and consumer affairs as a former first vice president of the Alabama Labor Council and as founder of the Southern Federation of Telephone Workers,

now part of the international Communication Workers of America union; and

WHEREAS, Mr. Pippin was a former president of the Alabama Mental Health Association and served on the Bryce Mental Hospital Human Rights Committee which was appointed by Judge Frank M. Johnson, Jr.; he also was appointed to the Montgomery Biracial Committee, and served for two years as the committee's first chairman, during which time he worked closely with both school officials and members of the community earning their respect for his knowledgeability, consideration and dedication to duty; and

WHEREAS, his reputation for public service, both locally and statewide, became national in scope when he was appointed by President Lyndon Johnson, in 1969, to serve as a member of the National Commission on Consumer Finance; his death, consequently, is indeed a great loss, not only to his community and the State of Alabama, but to the nation as well; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do deeply and grievously mourn the death of a great citizen, public servant and friend, Earl Clayton Pippin of Montgomery, Alabama.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to his wife, Mrs. Louise Dickinson Pippin, and to their four children, Clayton, Jr., Lynn, Mark and Bill, that they may know of our shared sorrow and abiding concern for them in the loss of their husband and father.

Which was read and referred to the Standing Committee on Rules.

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 10. RESOLVED BY THE SENATE That all uncontested local bills shall be the paramount and continuing order of business for the 3rd Legislative Day only.

Mr. Waldrop offered the following substitute for the Resolution, S. R. 10, to-wit:

SUBSTITUTE FOR S. R. 10

Amend S. R. 10 to read as follows:

"Senate Calendar No. 1 shall be the paramount business for the 3rd Legislative Day."

On motion of Mr. Perloff, said substitute was laid on the table.

Yeas 19; Nays 10.

Yeas:

Messrs. Clemon, Edwards, Fine, Gilmore, Higginbotham, Jones, King, McDonald (S), Mitchell, Noonan, Peden, Perloff, Perry, Powell, Proctor, Roberts, Shelby, Teague, Vacca.

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Nays:

Messrs. Baker, Goodwin, Little, McDonald (A), McMillan, Miller, Mims, Owen, St. John, Waldrop.

—10

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Smith (M):

H. 2. To name the auditorium at Southern Union State Junior College in Wadley, Randolph County, Alabama, "The Tom Brazeal Auditorium."

Also:

By Mr. Smith (M):

H. 3. To name the science-fine arts building at Southern Union State Junior College in honor of A. R. Van Cleave.

Also:

By Messrs. McCluskey, Shoemaker, Dial, Falkenburg, Biddle and Moore (O):

H. 4. To name that portion of U. S. Highway 280 from the north boundary of Talladega County, Alabama, to the south boundary of Coosa County, Alabama, "The Jim Nabors Highway."

Also:

By Messrs. Holmes (D), Merrill, Shelton, Manley, McCorquodale, Lutz, Smith (C) and Robertson:

H. 5. To amend further section 12-19-210, Code of Alabama 1975, as amended, which relates to jurors' expense allowances, so as to provide that such allowances shall be payable from the state treasury, and to make the act retroactive.

Also:

By Mr. McCulley:

H. 6. To exempt Exceptional Children, Inc., Washington County Day Care Center, Sunflower School, from payment of all sales and use taxes.

Also:

By Messrs. Moore (O), Smith (C) and Waggoner:

H. 7. Relating to all counties having a population of not less than 36,500 nor more than 39,200 inhabitants according to the 1970 or any subsequent federal decennial census; providing in each such county for the temporary detention, care and handling of mentally ill persons, pending any formal commitment proceedings for the purpose of determining whether such persons should be committed to Alabama state hospitals.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message

from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 2, 3 and 4. To the Committee on State Government.

H. B. 5. To the Committee on Judiciary.

H. B. 6. To the Committee on Finance and Taxation.

H. B. 7. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Folmar and Johnstone:

H. 1. To amend Section 25-4-8, Section 25-4-10, Section 25-4-16, Section 25-4-51, Section 25-4-54, Section 25-4-70, Section 25-4-74, Section 25-4-75, Section 25-4-130, Section 25-4-131, and Section 25-4-145 of the Code of Alabama, 1975, relating to the Alabama Unemployment Compensation Act, so as to expand coverage to employees of the State and its instrumentalities and to provide financing for the benefit costs for such employees; to extend coverage to employees of political subdivisions of this State, certain agricultural and domestic employers and public and non-profit primary and secondary schools; to accelerate the recovery of the Trust Fund to a more solvent condition by increasing the employers' rate of contribution by one-half percent (but not above the present 4.0% maximum rate) and to increase the taxable wage base from the current \$4,800 and the federally required \$6,000 to \$6,600; to require the expenditure of monies from the various funds, departments and agencies of the state and its various political subdivisions and to make an appropriation from The Special Educational Trust Fund for benefit costs to local school systems, and to give the Act retroactive effect.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 1. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Cates, Mitchem, Holley, Johnstone, Holmes (A), Albright, Andrews, Armstrong, Baker, Barron, Biddle, Callahan, Campbell, Carothers, Carter, Clark, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Hill, Hines, Holmes (D), Hopping, Jackson (F), Jolly, Kelley, Kennedy, Killian, Kinsey, Lockett, Lutz, McCluskey, McCorquodale,

McMillan, McNair, McNess, Manley, Merrill, Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Riddick, Roberts, Robertson, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Thomas, Trammell, Tucker, Turnham, Venable, Waggoner, Ward, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

H. J. R. 16. MEMORIALIZING PRESIDENT CARTER AND THE U. S. CONGRESS TO TAKE AFFIRMATIVE STEPS IN RESTORING THE BALANCE OF AMERICAN AGRICULTURE.

WHEREAS, the farmers of this nation are the very foundation upon which this country was built; and

WHEREAS, agriculture is over a billion dollar business in this state and as such is the key industry in Alabama; and

WHEREAS, the farmers of this state and nation represent only four per cent of the population but feed and clothe the remaining 96 per cent; and

WHEREAS, farmers should be allowed to expand, develop and compete in all potential domestic and foreign markets without fear of embargoes or restrictions; and

WHEREAS, the income of Alabama farmers dropped to a disastrous level in 1977 due to extremely unfavorable weather conditions and low farm prices; and

WHEREAS, the low income situation placed a heavy burden upon Alabama farmers which is causing grave concern and dissatisfaction among the farmers; and

WHEREAS, the drastic economic plight confronting Alabama farmers endangers the continued growth and progress of our great state;

NOW THEREFORE, BE IT RESOLVED that the Alabama Legislature, through means of this resolution, show its support to those Alabama farmers who pursue sound, constructive and legal means to improve the economic conditions of agriculture and that we urge Congress to assure that government programs for farms are responsive to the demands for short term production needs and for long term sustained development of American agriculture, recognizing that a strong agriculture provides for a strong, healthy nation.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the President of the United States, the Alabama Congressional delegation, the Secretary of Agriculture, and the Governor of the State of Alabama.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 16, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

CALENDAR BILLS INDEFINITELY POSTPONED

On motion of Mr. Teague, further consideration of all Senate Bills remaining on the Calendar was indefinitely postponed.

ADJOURNMENT

At 4:30 P.M., on motion of Mr. Fine, pending further consideration of S. R. 10, the Senate adjourned until Friday, January 6, 1978, at 8 o'clock A.M.

FOURTH LEGISLATIVE DAY

FRIDAY, JANUARY 6, 1978

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

PRAYER

The Session was opened with prayer by the Honorable Maston Mims, 31st Senatorial District.

ROLL CALL

Present:

Messrs. Baker, Clemon, Edwards, Ellis, Fine, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), Miller, Mims, Noonan, Peden, Perloff, Powell, Proctor, Shelby, Vacca.

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JOURNAL

On motion of Mr. Little, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Third Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

U. W. CLEMON,
Chairman.

COMMITTEE REPORT

On motion of Mr. Clemon, the foregoing report was concurred in and the Journal of the Senate for the Third Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. Little, leave of absence was granted Messrs. Adams, Bank, Gilmore, McDonald (S), McMillan, Mitchell, Owen, Pearson, Perry, Roberts, St. John, Stewart, Teague, Waldrop, and Wilson for today.

REPORT OF COMMITTEES

Mr. Shelby, Vice Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Folmar and Johnstone:

H. 1. To amend Section 25-4-8, Section 25-4-10, Section 25-4-16, Section 25-4-51, Section 25-4-54, Section 25-4-70, Section 25-4-74, Section 25-4-75, Section 25-4-130, Section 25-4-131, and Section 25-4-145 of the Code of Alabama, 1975, relating to the Alabama Unemployment Compensation Act, so as to expand coverage to employees of the State and its instrumentalities and to provide financing for the benefit costs for such employees; to extend coverage to employees of political subdivisions of this State, certain agricultural and domestic employers and public and non-profit primary and secondary schools; to accelerate the recovery of the Trust Fund to a more solvent condition by increasing the employers' rate of contribution by one-half percent (but not above the present 4.0% maximum rate) and to increase the taxable wage base from the current \$4,800 and the federally required \$6,000 to \$6,600; to require the expenditure of monies from the various funds, departments and agencies of the state and its various political subdivisions and to make an appropriation from The Special Educational Trust Fund for benefit costs to local school systems, and to give the Act retroactive effect.

By Mr. McCulley:

H. 6. To exempt Exceptional Children, Inc., Washington County Day Care Center, Sunflower School, from payment of all sales and use taxes.

Mr. Jones, Chairman of the Standing Committee on State Government, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Smith (M):

H. 2. To name the auditorium at Southern Union State Junior College in Wadley, Randolph County, Alabama, "The Tom Brazeal Auditorium."

By Mr. Smith (M):

H. 3. To name the science-fine arts building at Southern Union State Junior College in honor of A. R. Van Cleave.

Mr. Baker, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

My Messrs. Moore (O), Smith (C) and Waggoner:

H. 7. Relating to all counties having a population of not less than 36,500 nor more than 39,200 inhabitants according to the 1970 or any subsequent federal decennial census; providing in each such county for the temporary detention, care and handling of mentally ill persons, pending any formal commitment proceedings for the purpose of determining whether such persons should be committed to the Alabama state hospitals.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 4. AMENDING S. J. R. 4 OF THE ORGANIZATIONAL SESSION 1975 (ACT NO. 8, S. J. R. 4, PAGE 18, ACTS OF 1975) WHICH CREATED THE JOINT LEGISLATIVE PARKING COMMITTEE.

JOWN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

ADJOURNMENT

Mr. McDonald (A) moved that the Senate adjourn until Monday, January 9, 1978, at 1 o'clock P.M.

Mr. Clemon offered a substitute motion that the Senate adjourn until 2 o'clock P.M., which motion was adopted, and, at 8:10 A.M., the Senate adjourned until Monday, January 9, 1978, at 2 o'clock P.M.

FIFTH LEGISLATIVE DAY

MONDAY, JANUARY 9, 1978

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

PRAYER

The Session was opened with prayer by the Reverend John Ed Mathison, Pastor, Frazer Memorial United Methodist Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Waldrop, Wilson.

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JOURNAL

On motion of Mr. Fine, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. Fine, leave of absence was granted Mr. Stewart for today.

BILLS ON THIRD READING

The Bill:

H. 1. To amend Section 25-4-8, Section 25-4-10, Section 25-4-16, Section 25-4-51, Section 25-4-54, Section 25-4-70, Section 25-4-74, Section 25-4-75, Section 25-4-130, Section 25-4-131, and Section 25-4-145 of the Code of Alabama, 1975, relating to the Alabama Unemployment Compensation Act, so as to expand coverage to employees of the State and its instrumentalities and to provide financing for the benefit costs for such employees; to extend coverage to employees of political subdivisions of this State, certain agricultural and domestic employers and public and non-profit primary and secondary schools; to accelerate the recovery of the Trust Fund to a more solvent condition by increasing the employers' rate of contribution by one-half percent (but not above the present 4.0% maximum rate) and to increase the taxable wage base from the current \$4,800 and the federally required \$6,000 to \$6,600; to require the expenditure of monies from the various funds, departments and agencies of the state and its various political subdivisions and to make an appropriation from The Special Educational Trust Fund for benefit costs to local school systems, and to give the Act retroactive effect.

was taken up.

Mr. St. John offered the following amendment to the Bill, H. B. 1, to-wit:

AMENDMENT TO H. B. 1

In Section 5 of H. B. 1, in the quoted section 25-4-54(f), on page 46, on line 8, insert the following additional underlined sentence:

It is further provided that for employers who have only one (1) employee per office, then the maximum tax rate for such employer shall not exceed the average tax paid by all employers of the state.

On motion of Mr. Wilson, said amendment was laid on the table.

And said Bill, H. B. 1, was read a third time at length and passed.

Yeas 33; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Waldrop, Wilson.

—33

Nays:

—0

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I transmit herewith a Message from the Governor relative to an appointment to the Board of Corrections.

Respectfully submitted,
HENRY B. STEAGALL, II,
Executive Secretary.

Done this 9th day of January, 1978.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have reappointed Reverend John E. Vickers, subject to your confirmation, as a member of the State Board of Corrections.

Respectfully,
GEORGE C. WALLACE,
Governor.

Done this 9th day of January, 1978.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, was read and referred to the Standing Committee on Rules.

RECESS

At 2:15 P.M., on motion of Mr. Fine, the Senate took a recess until 2:30 P.M.

The recess period having expired, the Senate was called to order by Lieutenant Governor Beasley. A quorum of the Senate was present.

REPORT FROM RULES

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 8. MEMORIALIZING PRESIDENT CARTER AND THE U. S. CONGRESS TO TAKE AFFIRMATIVE STEPS IN RESTORING THE BALANCE OF AMERICAN AGRICULTURE.

On motion of Mr. Mims, said Resolution was then adopted by the Senate.

By unanimous consent, the names of the remaining members of the Senate were added as co-sponsors of the above Resolution.

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of the Reverend John E. Vickers as a member of the State Board of Corrections.

On motion of Mr. Goodwin, the appointment of the Rev. John E. Vickers was confirmed by the Senate.

Yeas 33; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Waldrop, Wilson.

—33

Nays:

—0

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I transmit herewith a Message from the Governor relative to an appointment to the Board of Corrections.

Respectfully submitted,

HENRY B. STEAGALL, II,
Executive Secretary.

Done this 9th day of January, 1978.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed Mr. Willie F. Hamner, subject to your confirmation, as a member of the State Board of Corrections.

Respectfully,

GEORGE C. WALLACE,
Governor.

Done this 9th day of January, 1978.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, was read and referred to the Standing Committee on Rules.

REPORT FROM RULES

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 7. COMMENDING THE AMERICAN FARMER AND URGING THE PRESIDENT AND CONGRESS TO ENACT LEGISLATION TO AID THE FARMER.

On motion of Mr. Mitchell, said Resolution was then adopted by the Senate.

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 3. POSTPONING THE DAY FOR FILING THE FINAL REPORT OF THE COMMITTEE CREATED BY ACT NO. 755, OF THE 1976 LEGISLATURE.

On motion of Mr. King, said Resolution was then concurred in and adopted by the Senate.

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 6. MEMORIALIZING PRESIDENT CARTER AND THE U. S. CONGRESS TO GIVE IMMEDIATE ATTENTION TO THE LAMENTABLE PLIGHT OF THE AMERICAN FARMER AND TO TAKE REMEDIAL ACTION FORTHWITH.

On motion of Mr. Bank, said Resolution was then adopted by the Senate.

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Willie F. Hamner to the Board of Corrections

On motion of Mr. Powell, the appointment of Mr. Willie F. Hamner was confirmed by the Senate.

Yeas 34; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Waldrop, Wilson.

—34

Nays:

—0

RESOLUTION

Messrs. King, Baker, McDonald (A), Adams, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, Little, McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff,

Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop and Wilson offered the following Senate Joint Resolution, to-wit:

S. J. R. 11. MOURNING THE DEATH OF THE HONORABLE GLENN H. HEARN.

WHEREAS, the Legislature of Alabama has been deeply saddened by the death of the Honorable Glenn H. Hearn on January 7, 1978, in Huntsville, Alabama, at the age of 63; and

WHEREAS, Glenn H. Hearn was a diligent and dedicated public servant of impeccable character and repute who served his nation for some twenty years as a special agent for the Federal Bureau of Investigation; and

WHEREAS, he further served the citizens of Huntsville as their mayor for four of the most successful years in the history of that city; and

WHEREAS, Glenn Hearn was our former colleague in the Alabama House of Representatives who most ably served the citizens of Madison County during both his legislative tenure from 1970 to 1974 and also as personnel director for Madison County in which capacity he was serving at the time of his death; and

WHEREAS, he was beloved and highly respected member of his community who dedicated a lifetime to serving the needs of the citizens of Huntsville and Madison County as well as those of his state and nation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do grievously mourn and deeply regret the death of our beloved former colleague, Glenn H. Hearn; we extend our most heartfelt sympathy to all members of his family to whom copies of this resolution shall be sent as evidence of our shared sorrow in their great loss.

On motion of Mr. King, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 1. To amend Section 25-4-8, Section 25-4-10, Section 25-4-16, Section 25-4-51, Section 25-4-54, Section 25-4-70, Section 25-4-74, Section 25-4-75, Section 25-4-130, Section 25-4-131, and Section 25-4-145 of the Code of Alabama, 1975, relating to the Alabama Unemployment Compensation Act, so as to expand coverage to employees of the State and its instrumentalities and to provide financing for the benefit costs for such employees; to extend coverage to employees of political subdivisions of this State, certain agricultural and domestic employers and public and non-profit primary and secondary schools; to accelerate the recovery of the Trust Fund to a more solvent condition by increasing the employers' rate of contribution by one-half percent (but not above the present 4.0% maximum rate) and to increase the taxable wage base from the current \$4,800 and the federally required \$6,000 to \$6,600; to require the expenditure of monies from the various funds, departments and agencies of the state and its various political subdivisions

and to make an appropriation from The Special Educational Trust Fund for benefit costs to local school systems, and to give the Act retroactive effect.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Joint Resolution:

H. J. R. 8. RELATIVE TO INVITING THE CHIEF JUSTICE OF THE ALABAMA SUPREME COURT TO ADDRESS THE LEGISLATURE OF ALABAMA.

JOHN W. PEMBERTON,
Clerk

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 8. INVITING THE CHIEF JUSTICE OF THE ALABAMA SUPREME COURT TO ADDRESS THE LEGISLATURE OF ALABAMA.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journals of the Senate for the Fourth and Fifth Legislative Days and finds same correct and containing all original entries and references thereto required by the Constitution.

U. W. CLEMON,
Chairman.

COMMITTEE REPORT

On motion of Mr. Clemon, the foregoing report was concurred in and the Journals of the Senate for the Fourth and Fifth Legislative Days were approved by the Senate.

ADJOURNMENT

At 3:30 P.M., on motion of Mr. Peden, the Senate adjourned sine die.

/s/ JERE BEASLEY

Lieutenant Governor and President and
Presiding Officer of the Senate

ATTEST:

/s/ McDOWELL LEE,
Secretary of Senate

IN THE LEGISLATURE OF THE STATE OF ALABAMA
STATE SENATE
FIRST SPECIAL SESSION, 1978
LOBBYIST REGISTRATION

(In accordance with the provisions of Senate Rule 79)

Akel, Mary Jane, Alabama Education Association.

Avinger, C. E., Alabama Banker's Association.

Bailey, George F., Alabama Railroad Association.

Bandy, Lloyd, Alabama Asphalt Pavement Association.

Banks, P. H., National Federation of Independent Business.

Bethea, Joe P., Chevron U. S. A. Inc.

Bradley, Stephen E., Alabama Press Association.

Brand, James B., Jr., Associated Industries of Alabama.

Braswell, Thelma, Alabama Education Association.

Britton, James Judson, Alabama Chamber of Commerce.

Buffaloe, B. E., John H. Hill, Union Carbide Corporation.

Carpenter, Joseph T., Alabama Independent Tire Dealers Ass'n, Alabama Automotive Dismantlers and Recyclers Ass'n, Alabama State Bar Association.

Christian, James M., CIBA-GEIGY Pharmaceuticals Division.

Cobb, William J., South Central Bell.

Coleman, Sam L., self.

Dolbare, Jeffery Blow, Alabama Education Association.

Eden, Tom, Alabama Textile Mfgs. Association.

Finley, Robert, Alabama Department of Public Health.

Godwin, Jay, Ala. Council of Retired Officers Association.

Gray, F. Howard, Jr., Ala. Council for School Administration & Supervision.

Gray, James A., Alabama Road Builders Association, Inc.

Harris, Patrick, Unified Judicial System.

Holsenbeck, Daniel, Auburn University at Montgomery.

Hydrick, Robert T., The Mead Corporation.

Jetton, Bruce, Alabama Trial Lawyers' Assn.

Johnston, J. Reese, Jr., Jefferson County.

McDonald, Charles, Alabama Retail Association.

McGregor, Tom, Alabama Gas Corporation.

McMillan, Harry M., Alabama Bancorporation.

Middleton, Ruby B., Ala. State Chiropractic Assn., Dr. C. J. Wilson.

Miller, John W., Home Builders Assn. of Alabama.

Mitchell, Ken, Home Builders Assn. of Alabama.

Mobley, Gilbert, Associated Industries of Alabama.

Morgan, Claude R., Jr., Alabama Labor Dept.

Morgan, Wendell R., Department of Mental Health.

O'Connor, Bill, Department of Mental Health.

Parsons, Milton K., Alabama Farm Bureau Federation.

Pilgrim, Carl O., Counsel for the advancement of Private Colleges in Alabama.

Quinn, Randy, Alabama Association of School Boards.

Reaves, Randolph P., Alabama Dental Assn., Ala. Psychological Association, Division 1, Licensed Psychologists.

Richardson, E. Clark, Alabama Power Company.

Segrest, Philip Dale, Council for the Advancement of Private Colleges in Alabama.

Smith, Walter Clifford, II, Alabama Chamber of Commerce.

Springer, Curtis H., Alabama Dairy Products Assn., Inc.

Stansell, Ted M., Municipal Electric Utility Assn. of Ala.

Strain, Robert E., U. S. Steel Corporation.

Street, James A., Alabama Council for School Administration and Supervision.

Tiffany, David M., Governmental Research Office, University of South Alabama, Mobile.

Underwood, Kenneth, South Central Bell.

Vaughan, Howard, Liberty National Life Insurance Company.

Wasson, Don F., Alabama Mining Institute.

White, J. Herbert, Auburn University.

Worthy, Mildred J., Alabama Education Association.

ROSTER OF THE SENATE OF ALABAMA

1978

Jere Beasley, <i>Lieutenant Governor</i>	State Capitol, Montgomery
Joe Fine, <i>President Pro-Tem</i>	Russellville
McDowell Lee, <i>Secretary</i>	Montgomery
Mrs. William R. Lawley, Jr., <i>Chief Clerk</i>	Montgomery
First Senatorial District	
Oscar Ray Peden	225 Wilson Ave., Florence 35630
Second Senatorial District	
Joe Fine	P. O. Box 818, Russellville 35653
Third Senatorial District	
Bingham Edwards	P. O. Box 632, Decatur 35601
FOURTH Senatorial District	
Finis St. John	P. O. Drawer K, Cullman 35055
Fifth Senatorial District	
Robert T. (Bob) Wilson	1501 First Ave., Jasper 35501
Sixth Senatorial District	
Albert McDonald	6800 Madison Pike, Huntsville 35806
Seventh Senatorial District	
Bill G. King	P. O. Box 382, Huntsville 35804
Eighth Senatorial District	
John Baker	Route 3, Rainsville 35986
Ninth Senatorial District	
Sid McDonald	P. O. Box 546, Arab 35016
Tenth Senatorial District	
Gerald W. Waldrop	181 Lakeshore Dr., (Rt. 10, Box 192 A) Gadsden 35901
Eleventh Senatorial District	
George McMillan	1550 First National-Southern Natural Bldg., Birmingham 35203
Thirteenth Senatorial District	
J. Richmond Pearson	P. O. Box 11135, Birmingham 35202
Fourteenth Senatorial District	
Robert L. "Bob" Ellis, Jr.	509 Poplar Lane, Adamsville 35005
Fifteenth Senatorial District	
U. W. Clemon	2121 Building, Suite 1600 Birmingham 35203
Sixteenth Senatorial District	
Richard C. Shelby	324 First Federal Bldg., Tuscaloosa, 35401
Seventeenth Senatorial District	
Eddie Hubert Gilmore	P. O. Box 546, Bessemer 35020

Eighteenth Senatorial District	
Lister Hill Proctor	121 N. Norton, Sylacauga, 35150
Nineteenth Senatorial District	
John Teague	P. O. Box 427, Childersburg 35044
Twentieth Senatorial District	
Donald W. Stewart	P. O. Box 2182, Anniston 36201
Twenty-first Senatorial District	
T. D. (Ted) Little	P. O. Box 342, Auburn 36830
Twenty-second Senatorial District	
G. J. (Dutch) Higginbotham	P. O. Box 585, Opelika 36801
Twenty-third Senatorial District	
T. Dudley Perry	P. O. Box 419, Tuskegee 36083
Twenty-fourth Senatorial District	
Sam L. Adams	129 S. Oates, Dothan 36301
Twenty-fifth Senatorial District	
Wallace Miller	P. O. Box 765, Enterprise 36330
Twenty-sixth Senatorial District	
Jerry Powell	116 Company St., Wetumpka 36092
Twenty-seventh Senatorial District	
Fred Jones	132 S. Perry St., Montgomery 36104
Twenty-eighth Senatorial District	
"Walking" Wendell Mitchell	P. O. Box 225, Luverne 36049
Twenty-ninth Senatorial District	
Earl Goodwin	P. O. Box 1039, Selma 36701
Thirtieth Senatorial District	
Bert Bank	#7 Burnt Pine, Rt. 2, Northport 35476
Thirty-first Senatorial District	
Maston Mims	Rt. One, Uriah 36480
Thirty-second Senatorial District	
L. D. (Dick) Owen, Jr.	1301 Forrest Park Avenue, Bay Minette 36507
Thirty-third Senatorial District	
Mike Perloff	257 St. Anthony St., Mobile 36603
Thirty-fourth Senatorial District	
L. W. "Red" Noonan	161 McGregor Ave., Mobile 36608
Thirty-fifth Senatorial District	
Bill Roberts	148 Tuscaloosa Street, Mobile 36607

**STANDING COMMITTEES
OF THE
ALABAMA STATE SENATE
1978**

FINANCE AND TAXATION

Owen, Chairman; Shelby, Vice-Chairman; Adams, Baker, Edwards, Fine, Gilmore, Jones, King, Mitchell, Pearson, Perloff, Powell, Stewart, Vacca, Waldrop, Wilson.

RULES

Clemon, Chairman; Mims, Vice-Chairman; Fine, Gilmore, Mitchell, Owen, Shelby.

JUDICIARY

St. John, Chairman; Mitchell, Vice-Chairman; Clemon, King, Little, A. McDonald, S. McDonald, McMillan, Peden, Perloff, Perry, Powell, Shelby, Vacca, Waldrop.

CONSTITUTION AND ELECTIONS

King, Chairman; Ellis, Vice-Chairman; Adams, Little, A. McDonald, S. McDonald, Miller, Noonan, Pearson, Peden, Perloff, Perry, Roberts, St. John, Vacca.

BUSINESS AND LABOR RELATIONS

Waldrop, Chairman; Little, Vice-Chairman; Ellis, Goodwin, A. McDonald, McMillan, Miller, Noonan, Powell, Stewart, Teague.

CONSERVATION

Pearson, Chairman; Adams, Vice-Chairman; Clemon, Higginbotham, Mims, Mitchell, Roberts, Stewart, Wilson.

EDUCATION

S. McDonald, Chairman; Clemon, Vice-Chairman; Adams, Bank, Ellis, Little, A. McDonald, Mitchell, Pearson, Peden, Perry, Powell, Roberts, Shelby, Waldrop.

HEALTH AND WELFARE

Bank, Chairman; Noonan, Vice-Chairman; Goodwin, A. McDonald, S. McDonald, McMillan, Miller, Powell, Waldrop.

BANKING

Fine, Chairman; Vacca, Vice-Chairman; Gilmore, Jones, Mitchell, Powell, Stewart, Teague, Wilson.

INSURANCE

Mitchell, Chairman; Teague, Vice-Chairman; Baker, Goodwin, King, Mims, Powell, Shelby, Wilson.

AGRICULTURE

Mims, Chairman; A. McDonald, Vice-Chairman; Adams, Baker, Bank, Edwards, Ellis, Goodwin, Little, Miller, Noonan, Perry, Vacca.

COMMERCE, TRANSPORTATION, AND UTILITIES

Gilmore, Chairman; McMillan, Vice-Chairman; Edwards, Fine. S. McDonald, Mims, Pearson, Teague, Wilson.

STATE GOVERNMENT

Jones, Chairman; Gilmore, Vice-Chairman; Bank, Clemon, Higginbotham, McMillan, Miller, Perloff, Shelby, St. John, Stewart.

LOCAL GOVERNMENT

Roberts, Chairman; Perry, Vice-Chairman; Baker, Bank, Ellis, Little, A. McDonald, Proctor, St. John, Vacca, Waldrop.

SEAPORTS AND INLAND WATERWAYS

Noonan, Chairman; Noonan, Chairman; Edwards, Vice-Chairman; Adams, Higginbotham, Jones, Peden, Perloff, Roberts, Wilson.

LOCAL LEGISLATION NO. 1

Baker, Chairman; Proctor, Vice-Chairman; Edwards, Jones, King, Mims, Noonan, Peden, Perloff.

LOCAL LEGISLATION NO. 2

Gilmore, Chairman; Vacca, Vice-Chairman; Clemon, Ellis, McMillan, Pearson, Proctor, Wilson.

STANDING COMMITTEE ASSIGNMENTS

FOR 1978

ALABAMA STATE SENATE

24th District

SAM L. ADAMS—Vice-Chairman Conservation; Finance and Taxation; Constitution and Elections; Education; Agriculture; Seaports and Inland Waterways.

8th District

JOHN BAKER—Chairman Local Legislation No. 1; Finance and Taxation; Insurance; Agriculture; Local Government.

30th District

BERT BANK—Chairman Health & Welfare; Education; Agriculture; State Government; Local Government.

15th District

U. W. CLEMON—Chairman Rules; Vice-Chairman Education; Judiciary; Conservation; State Government; Local Legislation No. 2.

3rd District

BINGHAM EDWARDS —Vice-Chairman Seaports & Inland Waterways; Finance and Taxation; Agriculture; Commerce, Transportation & Utilities; Local Legislation No. 1.

14th District

ROBERT L. ELLIS, JR.—Vice-Chairman Constitution and Elections; Business & Labor Relations; Education; Agriculture; Local Government; Local Legislation No. 2.

2nd District

JOE FINE—Chairman Banking; Finance and Taxation; Rules; Commerce, Transportation & Utilities.

17th District

EDDIE HUBERT GILMORE—Chairman Commerce, Transportation & Utilities; Chairman Local Legislation No. 2; Vice-Chairman State Government; Finance and Taxation; Rules; Banking.

29th District

EARL GOODWIN—Business & Labor Relations; Health & Welfare; Insurance; Agriculture.

22nd District

G. J. (DUTCH) HIGGINBOTHAM—Constitution and Elections; Conservation; State Government; Seaports & Inland Waterways.

27th District

FRED JONES—Chairman State Government; Finance and Taxation; Banking; Seaports & Inland Waterways; Local Legislation No. 1.

7th District

BILL G. KING—Chairman Constitution and Elections; Finance and Taxation; Judiciary; Insurance; Local Legislation No. 1.

21st District

T. D. (TED) LITTLE—Vice-Chairman Business & Labor Relations; Judiciary; Constitution and Elections; Education; Agriculture; Local Government.

6th District

ALBERT McDONALD—Vice-Chairman Agriculture; Judiciary; Constitution and Elections; Business & Labor Relations; Education; Health & Welfare; Local Government.

9th District

SID McDONALD—Chairman Education; Judiciary; Constitution and Elections; Health & Welfare; Commerce, Transportation & Utilities.

11th District

GEORGE McMILLAN—Vice-Chairman Commerce, Transportation & Utilities; Judiciary; Business & Labor Relations; Health & Welfare; State Government; Local Legislation No. 2.

25th District

WALLACE MILLER—Constitution and Elections; Business & Labor Relations; Health & Welfare; Agriculture; State Government.

31st District

MASTON MIMS—Chairman Agriculture; Vice-Chairman Rules; Conservation; Insurance; Commerce, Transportation & Utilities; Local Legislation No. 1.

28th District

WENDELL MITCHELL—Chairman Insurance; Vice-Chairman Judiciary; Finance and Taxation; Rules; Conservation; Education; Banking.

34th District

L. W. Noonan—Chairman Seaports & Inland Waterways; Vice-Chairman Health & Welfare; Constitution and Elections; Business & Labor Relations; Agriculture; Local Legislation No. 1.

32nd District

L. D. OWEN—Chairman Finance and Taxation; Rules.

13th District

J. RICHMOND PEARSON—Chairman Conservation; Finance and Taxation; Constitution and Elections; Education; Commerce, Transportation & Utilities; Local Legislation No. 2.

1st District

OSCAR RAY PEDEN—Judiciary; Constitution and Elections; Education; Seaports & Inland Waterways; Local Legislation No. 1.

33rd District

MIKE PERLOFF—Finance and Taxation; Judiciary; Constitution and Elections; State Government; Seaports & Inland Waterways; Local Legislation No. 1.

23rd District

T. DUDLEY PERRY—Vice-Chairman Local Government; Judiciary; Constitution and Elections; Education; Agriculture.

26th District

JERRY POWELL—Finance and Taxation; Judiciary; Business & Labor Relations; Education; Health & Welfare; Banking; Insurance.

18th District

LISTER HILL PROCTOR—Vice-Chairman Local Legislation No. 1; Local Government; Local Legislation No. 2.

35th District

BILL ROBERTS—Chairman Local Government; Constitution and Elections; Conservation; Education; Seaports & Inland Waterways.

4th District

FINIS ST. JOHN—Chairman Judiciary; Constitution and Elections; State Government; Local Government.

16th District

RICHARD SHELBY—Finance and Taxation; Rules; Judiciary; Education; Insurance; State Government.

20th District

DONALD STEWART—Finance and Taxation; Business & Labor Relations; Conservation; Banking; State Government.

19th District

JOHN TEAGUE—Vice-Chairman Insurance; Business & Labor Relations; Banking; Commerce, Transportation & Utilities.

12th District

PAT VACCA—Vice-Chairman Banking; Vice-Chairman Local Legislation No. 2; Finance and Taxation; Judiciary; Constitution and Elections; Agriculture; Local Government.

10th District

GERALD WALDROP—Chairman Business & Labor Relations; Finance and Taxation; Judiciary; Education; Health & Welfare; Local Government.

5th District

ROBERT T. WILSON—Finance and Taxation; Conservation; Banking; Insurance; Commerce, Transportation & Utilities; Seaports & Inland Waterways; Local Legislation No. 2.

HOUSE OF REPRESENTATIVES
ALPHABETICAL ROSTER AND
DISTRICT NUMBER

Robert E. Albright, 20	Earl F. Hilliard, 45
Richard Andrews, 34	Leon Brooks Hines, 91
Ralph (Buddy) Armstrong, 50	Jimmy W. Holley, 74
James A. Baker, 66	Alvin Holmes, 58
Bishop N. Barron, 79	Donald G. Holmes, 58
Jack Biddle, III, 35	Jack Hopping, Sr., 40
Hugh Boles, 42	Asbury Howard, 49
James E. Buskey, 99	Frank Jackson, 75
H. L. (Sonny) Callahan, 101	Ronald E. Jackson, 38
Frank Campbell, 90	Roy W. Johnson, Jr., 47
Joe R. Carothers, Jr., 71	Douglas Johnstone, 104
Tommy Carter, 16	Carl Jolly, 14
Eric O. Cates, Jr., 84	Phillip B. (Phil) Kelley, 26
George N. Clark, 88	Cain J. Kennedy, 98
Tom C. Coburn, 3	Roger Killian, 24
J. Gary Cooper, 103	Daniel L. Kinsey, 94
Buddy Crawford, 70	James G. Lee, 46
Wayland Cross, 7	Tom Leonard, 37
Robert T. Crowe, 12	John A. Lockett, Jr., 85
Gerald Dial, 60	Hartwell Lutz, 22
Tom Drake, 10	Murray P. McCluskey, 54
William Edwards, 83	Joe C. McCorquodale, Jr., 92
Francis Falkenburg, 32	J. Henry McCulley, 96
Joel M. Folmar, 68	John M. McMillan, Jr., 95
Joe M. Ford, 28	Chris McNair, 41
Robert C. Gafford, 33	Allen McNees, 6
Bob Glass, 105	Richard S. (Rick) Manley, 87
J. W. Goodwin, 4	Charles B. Martin, 8
Lynn Greer, 1	Hugh D. Merrill, 59
Richard Gregg, 19	Hinton Mitchem, 25
Robert B. (Bob) Hall, 15	Sonny Moore, Jr., 52
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ROSTER

HOUSE OF REPRESENTATIVES OF ALABAMA, 1978

JOE C. McCORQUODALE, JR., *Speaker*, Jackson

ROBERT T. (BOBBY TOM) CROWE
Speaker Pro-Tem, Jasper

JOHN W. PEMBERTON, *Clerk*, Montgomery

MEMBERS OF THE HOUSE

Dist. No.	Counties	Name	Address
1	LAUDERDALE	Lynn Greer	Rt. 3, Box 102, Rogersville 35652
2	LAUDERDALE	Robert M. (Bob) Hill, Jr.	119 Mobile Street, Plaza, Florence 35630
3	LAUDERDALE, COLBERT, FRANKLIN	Tom C. Coburn	1107 E. 3rd St., Tuscumbia 35674
4	COLBERT, FRANKLIN	J. W. (Joe) Goodwin	310 Ford Rd., Muscle Shoals 35660

- 5 FRANKLIN, MARION
Paul J. Weeks P. O. Box 674, Winfield 35594
- 6 LAMAR, MARION, FAYETTE
Allen McNees Rt. 1, Box 294, Vernon 35592
- 7 LAWRENCE, MORGAN
Wayland Cross Box D, Courtland 35618
- 8 MORGAN
Charles B. Martin 1716 Camellia Dr., S.W., Decatur 35601
- 9 MORGAN
Tommy Ed Roberts P. O. Box 1298, Hartselle 35640
- 10 MORGAN, CULLMAN
Tom Drake P. O. Box 36, Cullman 35055
- 11 CULLMAN, WINSTON
John R. Sparks 919 Nunnelly Dr., S.W., Cullman 35055
- 12 WINSTON, WALKER
Robert T. (Bobby Tom) Crowe Box 2308, Jasper 35501
- 13 WALKER
Alvis Naramore 5th Ave. & 19th Street, Jasper 35501
- 14 JEFFERSON, BLOUNT
Carl Jolly P. O. Box 366, Gardendale 35071
- 15 JEFFERSON
Robert B. (Bob) Hall Rt 2, Box 593-W, Pinson 35126
- 16 LIMESTONE
Tommy Carter Rt. 2, Elkmont 35620
- 17 LIMESTONE, MADISON
Warren C. Moore Rt. 3, Box 875, Huntsville 35806
- 18 MADISON
Frank H. Riddick 7804 Lauderdale Drive, Huntsville 35802
- 19 MADISON
Richard Gregg 4007 Nelson Drive, Huntsville 35810
- 20 MADISON
Robert E. Albright 2024 Stanhope Dr., N.E., Huntsville 35811
- 21 MADISON
Bill Smith 2203 Colice Rd., S.E., Huntsville 35801
- 22 MADISON, JACKSON
Hartwell Lutz Suite 52, Central Bank Bldg., Huntsville 35801
- 23 JACKSON
Bethel D. Starkey P. O. Box 3, Pisgah 35765
- 24 JACKSON, DeKALB
Roger Killian P. O. Box 4, Fort Payne 35967
- 25 DeKALB, MARSHALL
Hinton Mitchem P. O. Box 297, Albertville 35950

- 26 MARSHALL
Phillip B. (Phil) Kelley Rt. 2, Box 486, Guntersville 35976
- 27 BLOUNT, ETOWAH, MARSHALL
- 28 ETOWAH
Joe M. Ford 117 Arcade St., Gadsden 35903
- 29 ETOWAH
Hubert L. Taylor 2714 Hazel Dr., Gadsden 35901
- 30 ETOWAH, CHEROKEE
Kerry Rich Rt. 1, Box 291, Gadsden 35901
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- 33 JEFFERSON
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- 34 JEFFERSON
Richard Andrews P. O. Box 6061, Birmingham 35209
- 35 JEFFERSON
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- 36 JEFFERSON
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- 37 JEFFERSON
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- 38 JEFFERSON
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- 39 JEFFERSON
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- 40 JEFFERSON
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- 43 JEFFERSON
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- 48 TUSCALOOSA, BIBB
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- 49 TUSCALOOSA, JEFFERSON
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- 50 JEFFERSON
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Sonny Moore P. O. Box 44, Sterrett 35147
- 53 CHILTON, SHELBY
Curtis Smith Rt. 3, Box 118, Clanton 35045
- 54 COOSA, TALLADEGA
Murray P. McCluskey Box 599, Sylacauga 35150
- 55 TALLADEGA
Wallace Shoemaker 15 Cliff Road, Childersburg 35044
- 56 ST. CLAIR, CALHOUN
Marilyn Quarles P. O. Box 214, Springville 35146
- 57 CALHOUN
Thomas R. (Tom) Shelton P. O. Box 511, Jacksonville 36265
- 58 CALHOUN
Donald G. Holmes 1915 Robinhood Drive, Oxford 36203
- 59 CALHOUN
Hugh D. Merrill P. O. Box 1498, Anniston 36201
- 60 CLAY, CLEBURNE, TALLADEGA
Gerald O. Dial Box 275, Lineville 36266
- 61 RANDOLPH, CHAMBERS
Monroe Smith Rt. 1, Box 984, Lanett 36863
- 62 TALLAPOOSA, CHAMBERS
Larry Morris Madison St., Alexander City, 35010
- 63 TALLAPOOSA, CHAMBERS, LEE
Pete Turnham P. O. Box 1592, Auburn 36830
- 64 CHAMBERS, LEE
Shelby D. Ward P. O. Box 689, Opelika 36801
- 65 LEE, RUSSELL, BARBOUR
Charles W. Whatley Rt. 5, Box 250, Opelika 36801
- 66 RUSSELL
James A. Baker 4300 Summerville Road, Phenix City 36867
- 67 MACON, BULLOCK
Thomas Reed Drawer EE, Tuskegee Institute 36088

- 68 PIKE, COFFEE, BULLOCK, BARBOUR
Joel M. Folmar P. O. Box 325, Troy 36081
- 69 DALE, BARBOUR, HENRY
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- 70 HOUSTON, HENRY, BARBOUR
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- 71 HOUSTON
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- 72 DALE
R. Nolan Williams Rt. 2, Newton 36352
- 73 GENEVA, COVINGTON, HOUSTON
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- 74 COVINGTON, COFFEE
Jimmy W. Holley Rt. 3, Box 191E, Elba 36323
- 75 COVINGTON
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- 76 ELMORE
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- 78 MONTGOMERY, CRENSHAW
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- 79 MONTGOMERY
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- 80 MONTGOMERY
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- 83 WILCOX, LOWNDES, DALLAS
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- 87 MARENGO, SUMTER, HALE, GREENE
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- 88 GREENE, PICKENS, TUSCALOOSA, HALE
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- 89 TUSCALOOSA, PICKENS
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- 90 SUMTER, CHOCTAW
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- 93 MONROE, CONECUH, ESCAMBIA
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- 94 BALDWIN
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- 95 BALDWIN, MOBILE
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- 96 WASHINGTON, MOBILE
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- 97 MOBILE
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- 98 MOBILE
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- 103 MOBILE
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Mobile 36606
- 105 MOBILE
Bob Glass P. O. Box 625, Theodore 36582
-

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JOURNAL
OF THE
SENATE
OF THE
STATE OF ALABAMA
REGULAR SESSION
OF 1978

HELD IN THE CITY OF MONTGOMERY
COMMENCING TUESDAY, JANUARY 10, 1978



Vol. 1
WITH AN INDEX PREPARED BY THE
SECRETARY OF THE SENATE

Brown Printing Company
Printers—Binders
Montgomery, Alabama

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1. List of registered lobbyists, with lobby group affiliation;
2. Legislative roster, listing names and addresses of all members of the current Legislature by district;
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JOURNAL
OF THE
SENATE
OF THE
STATE OF ALABAMA
REGULAR SESSION OF 1978

FIRST LEGISLATIVE DAY
TUESDAY, JANUARY 10, 1978

This being the second Tuesday in January, A. D., 1978, and the day fixed by law and the Constitution of the State of Alabama for the annual meeting of the Legislature of Alabama:

The Senate of Alabama assembled in the Senate Chamber in the City of Montgomery at 12 o'clock Noon, and was called to order by Lieutenant Governor Beasley, President and Presiding Officer of the Senate.

McDowell Lee, Secretary, was present and acted as such according to law.

PRAYER

The Session was opened with prayer by Doctor Cecil E. Bradley, Pastor, St. James United Methodist Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—33

LEAVE OF ABSENCE

On motion of Mr. Fine, leave of absence was granted Messrs. Stewart and Waldrop for today.

RESOLUTION

Mr. Edwards offered the following Senate Resolution, to-wit:

S. R. 31. BE IT RESOLVED BY THE SENATE OF THE ALABAMA LEGISLATURE, That from this day forward the Senate may transact business during such hours as the Senate shall determine on all legislative days. All previously conflicting resolutions are hereby repealed.

And said Resolution, S. R. 31, was then lost.

Yeas 11; Nays 22.

Yeas:

Messrs. Baker, Edwards, Ellis, Higginbotham, Jones, King, Little, McMillan, Noonan, Perry, Roberts.

—11

Nays:

Messrs. Adams, Bank, Clemon, Fine, Gilmore, Goodwin, McDonald (A), McDonald (S), Miller, Mims, Mitchell, Owen, Pearson, Peden, Perloff, Powell, Proctor, St. John, Shelby, Teague, Vacca, Wilson.

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MESSAGE FROM THE HOUSE

Mr. President:

I have been directed by the House to advise the Senate that the House is now in session and is ready for the transaction of public business.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Manley:

H. J. R. 2. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a committee of three members of the House, to be named by the Speaker of the House, and two members of the Senate, to be named by the Presiding Officer of the Senate, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

And the Speaker has named Messrs. Ward, Howard and Younce.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolution, H. J. R. 2, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

And the President and Presiding Officer of the Senate appointed as members on the part of the Senate Messrs. Bank and Shelby.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution, and sends same herewith to the Senate for its consideration.

By Mr. Manley:

H. J. R. 3. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a joint session of the House and Senate be held at 6:30 P.M. on January 10, 1978 for the purpose of hearing the message of the Honorable George C. Wallace, Governor of Alabama.

AND BE IT FURTHER RESOLVED, That a committee of three from the House, to be named by the Speaker of the House, and a committee of two from the Senate to be named by the Presiding Officer of the Senate, be appointed to wait upon the Governor and advise him for the purpose of receiving his message, and that said Committee also serve as a Committee to escort the Governor to the House for the joint session.

And the Speaker has appointed Messrs. McNees, Plaster and Weeks.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 3, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

RESOLUTIONS

Messrs. Fine, Adams, Baker, Bank, Clemon, Edwards, Ellis, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca and Wilson offered the following Senate Joint Resolution, to-wit:

S. J. R. 32. EXTENDING HEARTIEST BIRTHDAY WISHES TO OUR FRIEND, HERBERT NATION.

WHEREAS, It has been called to our attention that today, January 10, is the 76th birthday of Mr. Herbert Nation, distinguished president of Brown Printing Company of Montgomery; and

WHEREAS, In his fifty years of service to Brown Printing Company, he has become a highly respected expert on legislative printing, constitutional amendments, and election laws in Alabama; and

WHEREAS, The legislative calendars and journals have all gone through his capable hands for many years, and his expertise has been of immeasurable help both to the staff and to generations of legislators; and

WHEREAS, We are all proud to call Herbert Nation our friend; his friendliness and youthful personality have endeared him to everyone with whom he comes in contact; now, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That we do extend to Herbert Nation our hearty best wishes for a very happy birthday, and wish him many more years of health and happiness.

BE IT FURTHER RESOLVED That a copy of this resolution be sent to Mr. Nation and to Brown Printing Company.

On motion of Mr. Fine, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. King, Baker, McDonald (A), Adams, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, Little, McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca and Wilson offered the following Senate Joint Resolution, to-wit:

S. J. R. 33. MOURNING THE DEATH OF THE HONORABLE GLENN H. HEARN.

WHEREAS, the Legislature of Alabama has been deeply saddened by the death of the Honorable Glenn H. Hearn on January 7, 1978, in Huntsville, Alabama, at the age of 63; and

WHEREAS, Glenn H. Hearn was a diligent and dedicated public servant of impeccable character and repute who served his nation for some twenty years as a special agent for the Federal Bureau of Investigation; and

WHEREAS, he further served the citizens of Huntsville as their mayor for four of the most successful years in the history of that city; and

WHEREAS, Glenn Hearn was our former colleague in the Alabama House of Representatives who most ably served the citizens of Madison County during both his legislative tenure from 1970 to 1974 and also as personnel director for Madison County in which capacity he was serving at the time of his death; and

WHEREAS, he was a beloved and highly respected member of his community who dedicated a lifetime to serving the needs of the citizens of Huntsville and Madison County as well as those of his state and nation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do grievously mourn and deeply regret the death of our beloved former colleague, Glenn H. Hearn; we extend our most heartfelt sympathy to all members of his family to whom copies of this resolution shall be sent as evidence of our shared sorrow in their great loss.

On motion of Mr. King, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Noonan offered the following Senate Joint Resolution, to-wit:

S. J. R. 34. COMMENDING MR. ION S. WALKER FOR OUTSTANDING SERVICE ON THE MOBILE COUNTY RACING COMMISSION.

WHEREAS, the Legislature of Alabama has noted, with deep appreciation, the notable service of Mr. Ion S. Walker as a member and Secretary of the first Mobile County Racing Commission; and

WHEREAS, during Mr. Walker's term of service, the Commission was responsible for supervising the establishment, licensing and operation of the first dog racing track in Alabama; and

WHEREAS, Mr. Ion S. Walker devoted considerable time, interest and effort to the work of the Mobile County Racing Commission in order to assure

that dog racing would be conducted in an efficient, honest and proper manner; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mr. Ion S. Walker for his many outstanding contributions and dedicated service as a member and Secretary of the first Mobile County Racing Commission; we join with the entire Mobile County Legislative Delegation in extending out thanks for excellence in the performance of his duties.

BE IT FURTHER RESOLVED, That Mr. Walker be presented with a copy of this resolution as evidence of our appreciation and esteem.

On motion of Mr. Noonan, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Ellis, Wilson, Vacca, Gilmore, Clemon, Proctor, Peden, McMillan, Fine, Goodwin, Bank, Noonan, McDonald (A), King and Perry offered the following Senate Joint Resolution, to-wit:

S. J. R. 35. CONGRATULATING THE HALL OF FAME PROMOTERS ON THEIR INAUGURAL CLASSIC.

WHEREAS, many citizens of the State of Alabama, and particularly those residing in the great City of Birmingham, have worked diligently over a long period to establish a football bowl spectacular; and

WHEREAS, on December 22, 1977, in the famed Legion Field in Birmingham, the inaugural Hall of Fame Classic pitted the Maryland Terps against the Minnesota Gophers, which brought the Terps a 17-7 victory; and

WHEREAS, an estimated 47,000 enthusiastic fans braved well-chilled weather to support this first bowl classic and were thrilled by the heart-stopping plays and talented players who were second to none; and

WHEREAS, Alabama and the "Magic City" have earned over the years the acclamation as "The Football Capital of the South"; and

WHEREAS, much honor and prominence were given to our great State and the City of Birmingham and its citizens when thousands of viewers throughout our nation watched the Hall of Fame Classic; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do congratulate the promoters of the Hall of Fame Classic, the two teams for their fine performance and the supporters throughout the State whose enthusiasm has made this bowl a reality and which continues the fine football tradition of our State and the City of Birmingham.

BE IT FURTHER RESOLVED, That this body does wish the promoters of this fine bowl many, many years of success.

On motion of Mr. Ellis, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Shelby offered the following Senate Joint Resolution, to-wit:

S. J. R. 36. HONORING JAMES W. OAKLEY, SR., RECENTLY INDUCTED INTO THE ALABAMA NEWSPAPER HALL OF HONOR.

WHEREAS, the Legislature of Alabama has noted with extreme plea-

sure that, on October 8, 1977, the late James W. Oakley, Sr., former editor and publisher of The Centreville Press, was inducted into the Alabama Newspaper Hall of Honor, thereby joining a truly select group of members of the press so honored since 1959; and

WHEREAS, James Oakley, Sr., the son of Oliver C. and Elizabeth B. Oakley, began his life's work in 1929 as editor and publisher of The Press, remaining with that paper until his death in 1972; and

WHEREAS, in 1969, he was the recipient of the Alabama Press Association's first-place award for weekly newspapers for his lead in the fight against an organized speed trap and as a result, subsequent legal action led to a U. S. Supreme Court ruling that struck down Alabama's Justice of the Peace Courts; also in 1969, he was honored by receiving the State Lion's Club award for his work in boosting Lion projects; and

WHEREAS, Mr. Oakley was vitally interested in the civic welfare of his community, having won election to the Centreville City Council in 1930, serving until 1949 when he was elected Mayor, which office he held until his death; he also was a charter member of the Centreville Kiwanis Club, organized the Bibb County Industrial Board which enhanced the county's ability to attract industry, and was instrumental in establishing a citizens' committee for the construction of the Bibb County Hospital and Nursing Home; and

WHEREAS, James Oakley, Sr., a strong believer in the power of the press, demonstrated that a newspaper was a viable force and with the corrective force of his powerful pen, righted those wrongs he sought out with unfaltering perseverance and without regard for personal safety in unpleasant or even dangerous situations; he was a man of truth, positive action and was ever sensitive to the needs of those around him; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend, applaud and concur with the selection of James W. Oakley, Sr., as a member of the Alabama Newspaper Hall of Honor; we share his family's pride in this great honor and direct that they receive copies of this resolution as evidence of our praise and esteem.

On motion of Mr. Shelby, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Vacca, Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Teague and Wilson offered the following Senate Joint Resolution, to-wit:

S. J. R. 37. COMMENDING MR. LESLIE STIFFLEMIRE UPON HIS RECENT RETIREMENT.

WHEREAS, the Legislature of Alabama has noted the recent retirement of Mr. Leslie Stifflemire of Montgomery, Alabama, as State Director of the Alabama Legislative Board of the United Transportation Union; he is now serving in the capacity of Director Emeritus; and

WHEREAS, Leslie Stifflemire who is a native of Grove Hill, Clarke County, Alabama, was employed as fireman on the Atlanta West Point-Western Railway of Alabama in 1943 and was promoted to engineer in 1954,

during which time he served on the State Safety Coordinating Committee; he joined the Brotherhood of Locomotive Firemen and Enginemen in 1943, became local legislative representative, Lodge 951, in 1945 and served continuously as an officer for thirty-two years; and

WHEREAS, through the years, Mr. Stifflemire further served as secretary-treasurer for a total of 23 years, local chairman for 10 years, general chairman for three years and state chairman of the legislative board from 1959 to the time of unification of the boards; he then served 12 years as chairman of the joint legislative board, was assistant legislative director of the United Transportation Union from 1972 until 1975, was then elected State Director serving until his retirement in September, 1977; and

WHEREAS, he is a member of the Forest Park Baptist Church in Montgomery, and a member of both the Citizens' Council on Court Reform and the City Crime Prevention Committee; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mr. Leslie Stifflemire of Montgomery on his long years of devoted service to his life's work and for his dedicated labors in the many offices of the Brotherhood of Locomotive Firemen and Enginemen and the United Transportation Union.

BE IT FURTHER RESOLVED, That Mr. Stifflemire receive a copy of this resolution as evidence of our high praise and also that he may know of our warm wishes for continued success in all future endeavors.

On motion of Mr. Vacca, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Shelby, Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Teague, Vacca and Wilson offered the following Senate Joint Resolution, to-wit:

S. J. R. 38. NAMING A PORTION OF BIBB COUNTY ROAD NUMBER 12 IN COMMEMORATION OF SENATOR WALTER C. GIVHAN.

WHEREAS, Walter Coats Givhan, a native of Perry County, Alabama, was born May 7, 1902, son of Walter Pope and Betty Coats Givhan, of Dallas County; and

WHEREAS, Senator Givhan was educated in the public schools of Marengo County and in the Linden High School; he attended North Georgia College where he was a member of Sigma Nu Fraternity, graduated in 1921 with a Bachelor of Science degree in agriculture and subsequently became a planter and businessman in Safford, Dallas County, Alabama; and

WHEREAS, Walter C. Givhan was first elected to the Alabama House of Representatives in 1930, serving for sixteen years; he was elected in 1954 to the Senate, thus establishing more tenure in the Alabama Legislature than anyone in our state's history; and

WHEREAS, Senator Givhan's record of service, not only to his area of the state but to all of Alabama, stands unchallenged in its accomplishments: He was instrumental in the establishment of a statewide system of trade

schools and junior colleges; he fought for an inland docks system; he was an advocate of an improved highway system; and for his entire thirty-eight years in the legislature, actively supported every major piece of legislation of benefit to farmers; and

WHEREAS, in the area of highway improvement, Senator Givhan was instrumental in the construction of that portion of Bibb County Road Number 12 which extends from Greenpond to U. S. Highway 11 at Caffee Junction; the completion of that project, supported by the Senator even after Bibb County was no longer in his district, has greatly enhanced the convenience and safety in that area of those travelling to Highway 11 and on to Tuscaloosa or Birmingham; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That, as a tribute to the dignity, deep humility, unswerving loyalty and true statesmanship of Walter Coats Givhan, that portion of Bibb County Road Number 12 which extends from Greenpond to U. S. Highway 11 at Caffee Junction is hereby named and designated "The Walter C. Givhan Drive."

BE IT FURTHER RESOLVED, That the Highway Department is hereby authorized and directed to erect and maintain appropriate signs and markers so designating said portion of Bibb County Road Number 12.

On motion of Mr. Shelby, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Jones, Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, King, Little, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca and Wilson offered the following Senate Joint Resolution, to-wit:

S. J. R. 39. MOURNING THE DEATH OF EARL CLAYTON PIPPIN.

WHEREAS, it is with utmost grief and a deep sense of loss that the Legislature of Alabama notes the death of Earl Clayton Pippin who was killed in a plane crash in Jackson, Mississippi, September 12, 1977, at the age of 55; and

WHEREAS, a native of Troy, Pike County, Alabama, he was, at the time of his death, executive vice president of Alabama Consumer Finance Association, and was a prominent Montgomery Democrat who was serving as chairman of the Montgomery County Democratic Party and was active in statewide party affairs; and

WHEREAS, further, he was eminently known for his leadership in labor and consumer affairs as a former first vice president of the Alabama Labor Council and as founder of the Southern Federation of Telephone Workers, now part of the international Communication Workers of America union; and

WHEREAS, Mr. Pippin was a former president of the Alabama Mental Health Association and served on the Bryce Mental Hospital Human Rights Committee which was appointed by Judge Frank M. Johnson, Jr.; he also was appointed to the Montgomery Biracial Committee, and served for two years as the committee's first chairman, during which time he worked closely with

both school officials and members of the community earning their respect for his knowledgeability, consideration and dedication to duty; and

WHEREAS, his reputation for public service, both locally and statewide, became national in scope when he was appointed by President Lyndon Johnson, in 1969, to serve as a member of the National Commission on Consumer Finance; his death, consequently, is indeed a great loss, not only to his community and the State of Alabama, but to the nation as well; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do deeply and grievously mourn the death of a great citizen, public servant and friend, Earl Clayton Pippin of Montgomery, Alabama.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to his wife, Mrs. Louise Dickinson Pippin, and to their four children, Clayton, Jr., Lynn, Mark and Bill, that they may know of our shared sorrow and abiding concern for them in the loss of their husband and father.

On motion of Mr. Jones, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Shelby offered the following Senate Joint Resolution, to-wit:

S. J. R. 40. LEGISLATIVE MEETING DATES.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the two Houses shall meet in session each week consecutively on each Tuesday, Wednesday, Thursday and Friday until thirty (30) legislative days shall have elapsed.

BE IT FURTHER RESOLVED, That all laws, rules or resolutions, or parts thereof, which are in direct conflict or which are inconsistent herewith are hereby repealed, and Act No. 25, S. J. R. 13 of the 1975 Third Special Session, pertaining to legislative meeting dates, is specifically repealed.

Which was read and referred to the Standing Committee on Rules.

Mr. Goodwin offered the following Senate Joint Resolution, to-wit:

S. J. R. 41. IN CENSURE OF THE ASSOCIATED PRESS FOOTBALL POLL.

WHEREAS, with a 10-1 record going into post season play, the University of Alabama's Crimson Tide was ranked third behind number one Texas and number two Oklahoma; and

WHEREAS, with Texas and Oklahoma suffering defeat in Dallas and Miami, and by virtue of Alabama's staggering 36 to 5 win over Ohio State, it is the consensus of this body that the national title belongs undisputedly to Alabama; and

WHEREAS, the announced results of the Associated Press poll, vaulting regular season 10-1 and previously number five ranked Notre Dame to the position of the number one college team in the nation came as a stunning blow to those knowledgeable of the enviable season record of the Tide against foes as formidable as any of those faced by any other team in the country; and

WHEREAS, a defeat of a number one ranked team in no way serves as the total premise for awarding a national title as, by the same reasoning, the

University of Mississippi could claim the title on the basis of their long-odds win over the Irish; and

WHEREAS, the fact that both the Cotton and Sugar Bowl Classics were played virtually at the same time, with perhaps a larger television audience tuned to the Texas-starred game, again should have been in no way a consideration for judgment, as those eligible to vote in the poll had an obligation to be equally informed as to each team's ability and performance; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do vehemently oppose and disagree with the number one ranking conferred on the University of Notre Dame over Alabama's Crimson Tide as a result of the Associated Press poll.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Associated Press that they might be aware of our condemnation and violent opposition to the results of said poll.

On motion of Mr. Goodwin, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Goodwin then offered the following Senate Joint Resolution, to-wit:

S. J. R. 42. IN CENSURE OF THE UNITED PRESS INTERNATIONAL FOOTBALL POLL.

WHEREAS, with a 10-1 record going into post season play, the University of Alabama's Crimson Tide was ranked third behind number one Texas and number two Oklahoma; and

WHEREAS, with Texas and Oklahoma suffering defeat in Dallas and Miami, and by virtue of Alabama's staggering 36 to 5 win over Ohio State, it is the consensus of this body that the national title belongs undisputedly to Alabama; and

WHEREAS, the announced results of the United Press International poll, vaulting regular season 10-1 and previously number five ranked Notre Dame to the position of the number one college team in the nation came as a stunning blow to those knowledgeable of the enviable season record of the Tide against foes as formidable as any of those faced by any other team in the country; and

WHEREAS, a defeat of a number one ranked team in no way serves as the total premise for awarding a national title as, by the same reasoning, the University of Mississippi could claim the title on their basis of their long-odds win over the Irish; and

WHEREAS, the fact that both the Cotton and the Sugar Bowl Classics were played virtually at the same time, with perhaps a larger television audience tuned to the Texas-starred game, again should have been in no way a consideration for judgment, as those eligible to vote in the poll had an obligation to be equally informed as to each team's ability and performance; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do vehemently oppose and disagree with the number one ranking conferred on the University of Notre Dame over Alabama's Crimson Tide as a result of the United Press International poll.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the United Press International that they might be aware of our condemnation and violent opposition to the results of said poll.

On motion of Mr. Goodwin, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Goodwin then offered the following Senate Resolution, to-wit:

S. R. 43. RELATING TO THE DEPLORABLY DANGEROUS CONDITIONS ON U. S. HIGHWAY 80.

WHEREAS, Highway 80 through the State of Alabama is part of a U. S. highway stretching coast-to-coast from Savannah, Georgia, to San Diego, California, and, from the Alabama-Mississippi state line, motorists may travel all the way to the West coast via four-lane roads; and

WHEREAS, Alabama's gross neglect of this principal through highway is a situation which demands immediate assurance from the Highway Director of his department's intent to remedy the deplorably dangerous conditions which have long been present on this highway; and

WHEREAS, at a recent meeting of concerned citizens and elected officials to discuss proposed construction for this division of the Alabama Highway Department, it was revealed that, with the exception of the Rooster Bridge replacement and approaches, there are no plans for the next twenty years for any improvements at all on Highway 80 from Uniontown to the Mississippi state line; and

WHEREAS, no justification could possibly exist to excuse such irresponsible inaction which, for more than two decades, has been directly causative of scores of grave injuries and tragic deaths thereby earning for this highway the name "Blood Alley," regretfully no misnomer; such carnage must not be tolerated on the public roads and highways of this state; now therefore,

BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA, That the Secretary of the Senate is hereby directed to inform the Highway Director, by copy of this resolution, that this body intends to disapprove highway funding for any roads, other than the interstate system, pending assurances by the Highway Director that corrections of these grievous conditions on U. S. 80 are receiving first priority among non-interstate projects.

BE IT FURTHER RESOLVED, That the Highway Director is directed, also, to submit a written statement for the membership of the Legislature on this subject no later than the seventh legislative day of this session of the Alabama Legislature.

Which was read and referred to the Standing Committee on Rules.

MOTION TO ADJOURN ADOPTED

Mr. Fine moved that when the Senate adjourns today, it adjourn to meet again on Thursday, January 12, 1978, at 8:30 A.M., which motion was adopted.

ELECTION OF MEMBERS TO THE LEGISLATIVE COMMITTEE ON EXAMINERS OF PUBLIC ACCOUNTS

The Senate proceeded to the election of Senate members to the Legislative Committee on Examiners of Public Accounts.

Mr. Perry placed in nomination the names of Messrs. Owen, Baker, Vacca, Teague and Waldrop.

On motion of Mr. Jones, nominations were closed and the roll was called on the election of the above nominee.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

And the President and Presiding Officer of the Senate announced that Messrs. Owen, Baker, Vacca, Teague and Waldrop were duly elected as members of Legislative Committee on Examiners of Public Accounts.

ELECTION OF MEMBERS TO THE SUNSET REVIEW COMMITTEE

The Senate proceeded to the election of Senate members to the Sunset Review Committee.

Mr. Perloff placed in nomination the names of Messrs. Peden and Powell.

On motion of Mr. Miller, nominations were closed and the roll was called on the election of the above nominees.

Yeas 27; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Higginbotham, Jones, Little, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Proctor, Roberts, St. John, Shelby, Vacca.

—27

Nays:

—0

And the President and Presiding Officer of the Senate announced that Messrs. Peden and Powell were duly elected as members of the Sunset Review Committee.

NOTICES IN WRITING

Mr. Little offered the following Notice in Writing, to-wit:

NOTICE IN WRITING OF MOTION TO AMEND THE RULES

Mr. President:

Notice is hereby given in accordance with the Senate Rules that on the

next legislative day a motion will be made to amend Senate Rule 20 as follows:

Rule 20. The Committee on Rules may at any time report a special rule that debate on a pending measure shall cease at a certain hour and a vote be taken on the measure. In addition thereto a petition signed by six or more senators to the effect that debate on a pending measure shall cease at a certain hour and vote be taken on the measure filed with the Secretary while the Senate is in session, shall have the same effect as a report of the Committee on Rules regarding debate. The consideration of such special rule shall not exceed thirty minutes, when a vote shall be taken thereon; and if three-fifths of the members elected shall vote to limit debate, then said rule shall have been adopted by the Senate.

Which was read and ordered spread upon the Journal.

Mr. Little then offered the following Notice in Writing, to-wit:

NOTICE IN WRITING OF MOTION TO AMEND RULES

Notice is hereby given in accordance with the Senate Rules that on the next legislative day a motion will be made to amend Senate Rule No. 62 as follows:

RULE 62. When a committee has decided adversely to any bill or resolution, such action shall be endorsed thereon and the bill or resolution shall be delivered forthwith to the Secretary, who shall note the unfavorable report on the register or docket of bills. The Secretary shall keep and print a calendar of adversely reported bills and resolutions, adding bills and resolutions from day to day without reprinting. Said adverse calendar shall include all bills and resolutions carried over indefinitely. Any Senator may, after one day's written notice, on the day named in the notice, after the call of standing committees, move the second reading of such bill or resolution. By a majority vote of the entire Senate, the bill or resolution may be read by its title a second time and be placed on the calendar. Only thirty minutes to the side shall be allowed for the discussion of such motion, which time may be divided as the Senators favoring or opposing the same may agree, for their respective sides.

Which was read and ordered spread upon the Journal.

INTRODUCTION OF BILLS

The following Bills, having been pre-filed with the Secretary of the Senate under the provisions of Joint Rule 10, were severally read one time, and previous referrals by the President and Presiding Officer to appropriate Standing Committees were confirmed, as follows:

By Mr. King:

S. 1. To make an emergency appropriation to the Alabama Mountain Lakes Association for operations during the remainder of the fiscal year ending September 30, 1978.

Committee on Finance and Taxation.

By Mr. King:

S. 2. To reorganize the Executive Department of state government; to

express the public policy of the State regarding the structure and functions of the Executive Department, and to state the intent of the Legislature concerning the reorganization of the Executive Department, the establishment of new executive offices, the orderly transfer of certain enumerated agencies or the functions of such agencies to such executive offices, the effect of such reorganization on existing agencies of the Executive Department and their employees, the establishment in the future of executive offices or agencies, and the assignment or transfer of powers, duties, and functions of existing agencies, or agencies hereinafter created, to the executive offices or agencies established hereafter; to define certain terms, and to provide a uniform nomenclature for the internal structure of executive offices established in the Act; to list the Constitutional, elective, and executive offices which compose the Executive Department, except as may be otherwise provided by law; to limit the number of executive offices within the Executive Department to fifteen and to provide for the future assignment of agencies or functions to the executive offices established herein; to establish within each executive office established herein the position of Secretary; to enumerate the powers, duties, and functions of Secretaries of executive offices; to provide that Secretaries of executive offices shall perform their functions under the general control and supervision of the Governor; to provide that certain officers may be appointed for the executive offices established herein, including Deputy Secretaries, directors, supervisors, chiefs, and legal counsel; to provide that certain officers shall obtain commissions before entering upon and exercising the duties of their respective offices; to provide for the oath of office and official bond of certain enumerated officers of the executive offices established herein; to provide salaries for officers and employees of executive offices; to specify those officers and employees of executive offices who are subject to the State merit system law; to enumerate those officers of executive offices subject to impeachment; to provide for the transfer for administrative purposes of existing agencies of the Executive Department to the executive offices established herein; to provide that such agencies shall continue to perform their statutory functions under the supervision of the executive office to which they are transferred, except in the case of certain examining and licensing agencies and agencies authorized to issue bonds or other evidences of indebtedness; to specify those services which the executive office may perform for an agency transferred to it for administrative purposes; to provide for the transfer of the effects and the employees of agencies transferred for administrative purposes; to define the effect of such transfer on the obligations and debts of such agencies and the ability of such agencies, the State, or its executive offices, to comply with federal laws concerning federal assistance to any of them; to provide for the transfer of existing agencies and their statutory functions to an executive office established herein; to provide that any agency so transferred shall continue to exist as an advisory agency or advisory council within the executive office to which it is transferred; to provide for the effect of such transfer on the performance of the statutory functions transferred, the filing of certain financial information, the pending business of any agency so transferred, the obligations and debts of any such agency, and the ability of any such agency, the State, or its executive offices to comply with federal laws concerning federal assistance to any of them; to provide for the transfer of the effects and the employees of any agency so transferred; to provide for the abolition of existing agencies and the transfer of their statutory functions to an executive office established herein; to provide for the effect of such abolition and transfer on the performance of the statutory functions transferred, the pending business of any abolished agency, the obligations and debts of any abolished agency, and the ability of the State, or its executive offices, to comply with federal laws concerning federal assist-

ance to any of them or to any agency so abolished; to provide for the transfer of the effects and the employees of any agency so abolished; to provide that existing agencies may be abolished and that their statutory functions shall cease to exist; to provide for the effect of such abolition on the pending business of any such agency, its obligations, and its effects; to provide that civil and criminal actions pending on October 1, 1979, shall not be affected by this Act, except as specifically provided herein; to provide for employees of the State affected by this Act; to provide for other effects of this Act on the holders of bonds and obligations issued before October 1, 1979, and the parties to contracts and other agreements entered into before October 1, 1979; to continue lawfully adopted rules and regulations of certain agencies; to provide that the Governor may replace any state officer whose position is not continued by this Act and who is a member of an agency continued or transferred by this Act; to provide that the Governor shall be responsible for formulating and implementing a transition plan which carries out the provisions and purposes of this Act; to require the cooperation of all existing agencies of the Executive Department with the Governor in implementing this Act; to provide that the Legislature shall be furnished certain information pertaining to the reorganization of the Executive Department; to appropriate specified sums to the Office of the Governor to implement this Act; to provide that the transfer of agencies and functions of agencies as provided herein shall be effective on October 1, 1979; to provide for a Cabinet; to specify its members and assign it certain advisory functions; to provide for the continuation of any agency of the Executive Department existing on the effective date of this Act, except as otherwise provided herein; to specify a short title for this Act; to provide that if any provision of this Act is declared invalid, that such declaration shall not affect the validity of the remainder of the Act; to repeal all laws or portions of laws in conflict with this Act; to provide an effective date for this Act; to establish in the Executive Department the following executive offices: Office of Administration; Office of Business Regulation; Office of Economic and Community Development; Office of Forestry Services; Office of Human Resources; Office of Labor; Office of Military Affairs; Office of Natural Resources; Office of Prisons and Rehabilitation; Office of Protection and Law Enforcement; Office of State Enterprises; Office of Transportation; to provide for the transfer of certain enumerated agencies to these executive offices by a specified method of reorganization; to establish within the Office of the Governor and otherwise to provide for the position of Director of Management and Administrative Planning; to establish within the Office of Human Resources the Department of Public Health; to transfer the statutory functions of certain enumerated agencies to other enumerated agencies and to abolish some transferred agencies; to provide that the Governor may by executive order abolish or transfer certain enumerated agencies established by executive order to specified executive offices and by a specified method of reorganization; to abolish certain agencies; and to repeal specifically the following Acts or provisions thereof: Act No. 514 enacted at the 1963 Regular Session of the Legislature; Section 3 of Act No. 712 enacted at the 1951 Regular Session of the Legislature; Sections 6 and 7 of Act No. 226 enacted at the 1965 Regular Session of the Legislature; Section 4(c) of Act No. 2059 enacted at the 1971 Regular Session of the Legislature; Section 5 of Act No. 582 enacted at the 1963 Regular Session of the Legislature; Act No. 1115 enacted at the 1969 Regular Session of the Legislature; Act No. 324 enacted at the 1947 Regular Session of the Legislature; Section 5 of Act No. 47 enacted at the 1955 Regular Session of the Legislature; Sections 4 and 5 of Act No. 103 enacted at the 1955 Regular Session of the Legislature; Act No. 92 enacted at the 1965 First Special Session of the Legislature; Section 32 of Act No. 1049 enacted at the 1969 Regular Session of the

Legislature; Section 5 of Act No. 673 enacted at the 1947 Regular Session of the Legislature; Act No. 889 enacted at the 1953 Regular Session of the Legislature; Sections 3 and 6 of Act No. 446 enacted at the 1966 Special Session of the Legislature; Section 4 of Act No. 394 enacted at the 1957 Regular Session of the Legislature.

Committee on State Government.

By Mr. Perry:

S. 3. Relating to all counties having populations of not less than 24,500 nor more than 25,000 according to the 1970 or any subsequent federal decennial census; providing the sheriff's department with a criminal investigator.

Committee on Local Legislation No. 1.

By Messrs. Mitchell, King, Mims, Gilmore, Powell, McDonald (A), Shelby, Owen, Teague, St. John, McDonald (S), Miller, Clemon, Little, McMillan, Goodwin and Perry:

S. 4. To propose an amendment to the Constitution relative to the method of adopting amendments to the constitution affecting political subdivisions of this state.

Committee on Constitution and
Elections.

The above Bill was read a first time at length as required by the Constitution.

By Messrs. Mitchell, King, Mims, Gilmore, Powell, McDonald (A), Shelby, Higginbotham, Owen, Teague, St. John, McDonald (S), Miller, Clemon, Little, McMillan, Perry, Goodwin and Perloff:

S. 5. Proposing an amendment to Article XVIII, Section 284 of the Constitution of Alabama, as amended, in relation to the times for holding elections on constitutional amendments.

Committee on Constitution and
Elections.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Pearson:

S. 6. Relating to the appointment of a curator of the property of persons residing in this state who shall become physically incapacitated, feeble-minded or epileptic, or so mentally and physically defective by reason of age, sickness, the use of drugs, excessive use of alcohol or other causes, and authorizing such curator to take charge of, manage and conserve the property of such person and relating to the effect of the appointment of a curator as to any such person.

Committee on Judiciary.

By Mr. Pearson:

S. 7. Relating to the appointment of a curator of the property of persons residing in this state who shall become physically incapacitated,

feeble-minded or epileptic, or so mentally or physically defective by reason of age, sickness, the use of drugs, excessive use of alcohol or other causes, and authorizing such curator to take charge of, manage and conserve the property of such person and relating to the effect of the appointment of a curator as to any such person.

Committee on Judiciary.

By Mr. Fine:

S. 8. To provide a tax credit on state income tax liability for Alabama taxpayers who install solar energy systems on their homes.

Committee on Finance and Taxation.

By Mr. Roberts:

S. 9. To revise Sections 393 and 394, Title 14, Code of Alabama 1940, as amended, so as to provide for forbidding of executive or secret sessions of certain boards; and to provide more stringent penalties for violation.

Committee on State Government.

By Mr. King:

S. 10. To amend Act No. 753, H. 497, Regular Session 1976 (Acts 1976, p. 1037), which act provides for voluntary anatomical donations of the human body or parts thereof, so as to exclude persons under the legal age of majority from making such donations.

Committee on Judiciary.

By Mr. Owen:

S. 11. To amend Section 3A, Subsection 13(a) of Act No. 637, H. 482 of the 1977 Regular Session, which act makes appropriations from the State treasury in the Alabama Special Education Trust Fund account for educational purposes for the fiscal year ending September 30, 1978, so as to remove certain limitations imposed on the expenditure of monies appropriated for the operation of the Public Library Service facility.

Committee on Finance and Taxation.

By Mr. Powell:

S. 12. To authorize the governor of the state to execute and deliver a deed conveying to the Alabama Corrections Institution Finance Authority, created pursuant to Act No. 678, S. 216, 1965 Regular Session, as amended and codified in Code of Alabama 1975, Title 14, Chapter 2, all lands of the State Board of Corrections in Sections 17 and 20, Township 18 North, Range 19 East, Elmore County, Alabama, known as "Whitman Field"; to provide that said property shall be sold within one year of the effective date of this Act; to provide for an installment sale and purchase money mortgage; to provide that the proceeds from such public offering and sale be placed in a special account in the state treasury and be disbursed as capital outlay on order of the Alabama Corrections Institution Finance Authority in the constructing, reconstructing or equipping of one or more facility for the Board of Corrections.

Committee on State Government.

By Mr. Owen:

S. 13. To change the name of the Alabama Public Library Service to the Alabama State Library, and to provide that the director shall be known as the state librarian; for this purpose amending Section 41-8-1 through Section 41-8-7 of the Code of Alabama 1975.

Committee on State Government.

By Messrs. Pearson and Owen:

S. 14. To levy a privilege or license fee on nursing homes; to prescribe the rates thereof; to provide for the issuance of a nursing home license; to provide for the method of collecting such fees and the method of enforcing payment thereof; to provide for the disposition of the proceeds of such fees; to make an annual appropriation for nursing home operation; to provide for an incentive reimbursement program; and to further regulate eligibility for Medicaid benefits.

Committee on Finance and Taxation.

By Mr. Powell:

S. 15. To amend Title 51, Section 431 (2) to increase the tax rate from 4% of gross value to 6% of gross value and to amend Section 431 (8) to provide that the increased collection shall be divided 50% to the Counties in which the Oil or Gas is severed and 50% to the State General Fund; to provide that such tax increase shall not apply to any well producing less than 26 barrels of oil per day; and to provide that the tax increase provided for by this act shall not apply to any new well that comes into production within a period of three years after the effective date of this act.

Committee on Finance and Taxation.

By Mr. Powell:

S. 16. To amend Title 51, Section 348 A, Title 51 of the Code of Alabama 1940 expanding the provisions of the foreign corporation franchise tax and to increase the foreign corporation franchise tax.

Committee on Finance and Taxation.

By Mr. Powell:

S. 17. To amend Title 51, Sections 347 and 350, Code of Alabama 1940, as amended increasing the Domestic Franchise Tax and providing further for the distribution of such funds.

Committee on Finance and Taxation.

By Mr. Powell:

S. 18. To amend Act No. 2305, Regular Session, 1971, Sections 2, 5, 6 and 9 to change the rate of taxation from (13.5¢) thirteen and one-half cents per ton to (25¢) twenty-five cents per ton, to rewrite the distribution section to provide that the additional revenue shall be earmarked for the State General Fund, to amend Sections 6 and 9.

Committee on Finance and Taxation.

By Mr. King:

S. 19. To exempt The Pathfinder, Inc. of Huntsville, Alabama from the payment of state, county or municipal sales or use taxes.

Committee on Finance and Taxation.

By Mr. King:

S. 20. WITHDRAWN

By Messrs. Perry, Goodwin and Jones:

S. 21. To require any utility or telephone company that is required to obtain a certificate of public convenience and necessity under Section 37-2-4 or Section 37-4-28 of the 1975 Code of Alabama from the Alabama Public Service Commission for the construction or operation of any facility to give notice of the filing of such application with said Commission to the owners of all lands which are proposed to be acquired for the construction or operation of the facility for which the certificate of convenience and necessity is sought, and to provide that such owners shall be entitled to be heard and to participate in such certificate proceedings; to repeal all laws or parts of laws in conflict herewith and to provide for the effective date of this act.

Committee on State Government.

By Messrs. Perry, Goodwin and Jones:

S. 22. To further amend Code of Alabama, 1975, Section 37-1-80, so as to define the reasonable value of a public utility's property to be used as a rate base in fixing utility rates; to eliminate therefrom the amount of new investment to be added in the year immediately following the test period used in arriving at the value of such utility's property; to provide that determination of the rate base shall be calculated on the basis of such reasonable value of the property components of the rate base in service as of the end of the most recent 12-month period available; to exclude from the rate base, or in the alternative to require a zero return, on any part thereof arising from or provided by funds available to the utility without cost to it, unless effectively required to be allowed by an act of Congress; to exclude from the rate base any lands acquired after the effective date of this Act by any utility for a use which will require a certificate of convenience and necessity until and unless such certificate of convenience and necessity is issued by the Alabama Public Service Commission; to repeal conflicting laws and to fix the effective date of this Act.

Committee on State Government.

By Messrs. Perry, Goodwin and Jones:

S. 23. To require refunds or repayment to customers by the affected utility or telephone company of any utility or telephone rates or charges judicially held to be excessive.

Committee on State Government.

By Messrs. Perry, Goodwin and Jones:

S. 24. To prohibit any telephone company, through any interconnecting or other agreement with South Central Bell Telephone Company, or its successor, or otherwise, from receiving an automatic increase in its net return, as the result of any order of the Alabama Public Service

Commission or court granting an increase to South Central Bell Telephone Company, or its successor, in its intrastate net return; to repeal all laws and parts of laws in conflict herewith, and to provide the effective date of this Act.

Committee on State Government.

By Messrs. Perry, Goodwin and Jones:

S. 25. To provide for and require competitive bidding on specified contracts for labor, services, or work, and for the purchase of materials, equipment, supplies or other personal property, made by or on behalf of any public utility or telephone company doing business in the State of Alabama, and prescribing penalties.

Committee on State Government.

By Messrs. Perry, Goodwin and Jones:

S. 26. Relating to appeals from the actions or orders of the Alabama Public Service Commission in certain cases; providing for the time, manner and procedure for taking such appeals and for the effect thereof; providing for the construction of this Act; and repealing all laws and parts of laws in direct conflict or inconsistent with the provisions of this Act.

Committee on State Government.

By Messrs. Perry, Goodwin and Jones:

S. 27. To provide the procedure and conditions under which any utility or telephone company regulated by the Alabama Public Service Commission may increase or decrease any customer's billing for intrastate utility or telephone service by reason of the application of any fuel or tax rate, clause or rider on and after the effective date of this Act.

Committee on State Government.

By Mr. Owen:

S. 28. To prescribe that any county or state elected public officer, who is convicted of any crime arising out of or in connection with his public trust and committed during his term of office, automatically shall forfeit all rights to state or county retirement benefits except those monetary contributions made by him.

Committee on Judiciary.

By Mr. McMillan:

S. 29. To amend Section 41-4-143 of the Code of Alabama, 1975, so as to further prescribe the regulations governing the publication of the Acts of the Legislature; to provide that resolutions of a commendatory or commemorative nature shall not be printed in the bound volumes of the Acts.

Committee on State Government.

By Mr. Shelby:

S. 30. To make the representation or depiction of minors under the age of eighteen (18) engaged in or represented as engaging in certain

sexual activity a felony and prescribes penalties for the violation of its provisions.

Committee on Judiciary.

By Mr. Ellis:

S. 31. To require the State Building Commission to adopt, promulgate and enforce a state building code which contains energy conservation measures; to provide that said code is to be used in all future construction or remodeling of buildings which are constructed with state appropriated funds.

Committee on State Government.

By Mr. Ellis:

S. 32. To establish and provide for the operation of a crime victims compensation board; to prescribe eligibility requirements and procedures for awards by such board; to provide for appeals from decisions of the board; and to make an appropriation.

Committee on Judiciary.

By Mr. Pearson:

S. 33. To prohibit any electric utility regulated by the Alabama Public Service Commission from charging as a separate item any rate, rider or adjustment related to the cost of energy or fuel.

Committee on State Government.

By Mr. Pearson:

S. 34. To require any utility regulated by the Alabama Public Service Commission, which includes as an operating expense in a rate proceeding before such Commission sums actually spent in the presentation of a rate case, including attorney's fees and witness fees, to furnish a like amount to a fund which is to be administered by the Commission for the purpose of paying attorney's fees and witness fees for customers who intervene in such rate proceedings, and provides for distribution of such funds.

Committee on State Government.

By Mr. Bank:

S. 35. To amend Section 12-19-3 of the Code of Alabama, 1975, so as to further regulate the county purchase of certain supplies and equipment in the unified judicial system.

Committee on Finance and Taxation.

By Mr. Bank:

S. 36. To provide that the act, use, or employment by any person of any deception, deceptive act or practice, fraud, false pretense, false promise, misrepresentation, or concealment, suppression or omission of any material fact with intent that others rely upon such concealment, suppression or omission, in connection with the sale or advertisement of any merchandise whether or not any person has in fact been misled, deceived, or damaged thereby, is declared to be an unlawful practice; to prescribe

procedure for prosecution of such unlawful practice and to provide civil and criminal penalties for violators.

Committee on Judiciary.

By Mr. Noonan:

S. 37. To name the I-65 crossing of the Mobile River which is now under construction and scheduled for completion in September, 1980, "The General W. K. Wilson, Jr., Bridge."

Committee on State Government.

Mr. Noonan moved that the Bill, S. B. 37, be re-assigned to another Committee, which motion was adopted, and the President and Presiding Officer re-assigned said Bill, S. B. 37, to the

Committee on Seaports and Inland Waterways.

By Mr. King:

S. 38. WITHDRAWN.

By Mr. Jones:

S. 39. To amend Code of Alabama 1975, Section 40-8-1 so as to lower the ratio of assessed value to fair and reasonable market value of certain property in Montgomery County.

Committee on Finance and Taxation.

By Mr. King:

S. 40. WITHDRAWN.

By Mr. King:

S. 41. To amend Section 32-6-4, Code of Alabama 1975, which relates to the distribution of driver licenses and nondriver identification cards so as to provide free nondriver identification cards to all Alabama citizens over sixty-five (65) years of age.

Committee on Judiciary.

By Mr. Vacca:

S. 42. To provide that local city and county boards of education shall have authority to establish a minimum distance, if any, that a pupil must live from the school he attends before he is entitled to public transportation.

Committee on Education.

By Mr. Jones:

S. 43. To require moneys received by criminals as a result of the commission of a crime to be paid to the state board of adjustment for distribution to the victims of such crimes.

Committee on Judiciary.

By Mr. King:

S. 44. To propose and provide for the submission of an amendment

to the Constitution of Alabama of 1901, as amended, relating to local government and home rule; amending and superseding specifically Sections 38, 39, 40, 41, 89, 220, 227 and 228 and Amendments No. 81, 132, 140, 142, 144 and 184 of the Constitution of Alabama of 1901, as amended; and repealing and superseding all other conflicting provisions of said constitution and amendments thereto, providing for a two year delay in the effective date of the proposed amendment.

Committee on Constitution and
Elections.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Bank:

S. 45. To propose an amendment to the Constitution of Alabama repealing "The Annual Sessions Amendment," Amendment CCCXXXIX, to such Constitution and to reinstate all the provisions of the Constitution governing dates and times of meetings of the legislature and lengths or duration of regular and special sessions thereof; and to make an appropriation to be used in defraying the expenses of the election on this proposed amendment.

Committee on Finance and Taxation.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Ellis:

S. 46. To authorize licensed pharmacists of this state, under certain circumstances, to substitute less expensive, therapeutically equivalent drugs for those prescribed by a licensed physician or dentist of this state; to require that pharmacists substituting drugs pursuant to this act shall pass the savings of the less expensive drug to the customer and to make certain records of any such substitution; to require the state health department to compile, distribute and periodically revise, a drug listing based on clinical study, of comparable drugs suitable for substitution; to require the submission of certain clinical data by drug manufacturers to the state health department; and to vest the said department with powers to promulgate rules and regulations and to conduct hearings in order to implement the provisions of this act.

Committee on Health and Welfare.

By Mr. Ellis:

S. 47. To vest regulatory authority over hazardous waste management in the State Board of Health; to authorize the Board to accept and administer lands to be used as disposal sites for hazardous wastes; to vest perpetual responsibility for such sites in the State; to establish the Hazardous Wastes Technical Advisory Committee; to place certain responsibilities for hazardous waste management upon the Board; to empower the Board to develop and revise criteria for identifying hazardous wastes and to list such wastes; to empower the Board to adopt and revise rules and regulations, guidelines, criteria and standards; to require permits for hazardous waste management practices and establish procedures for such permitting; to require generators of hazardous wastes to dispose

of such wastes in an approved manner; to place certain responsibilities upon generators of hazardous wastes, transporters of hazardous wastes and operators of hazardous waste storage and treatment facilities and disposal sites; to require the use of a manifest; to require the reporting of wastes generated by the generator; to provide for penalties and remedies; to provide for administration and enforcement; to allow appeal; and to establish the Hazardous Wastes Management Fund and to make appropriations therefrom.

Committee on Health and Welfare.

By Mr. Owen:

S. 48. To change the name of the Alabama Public Library Service to the Alabama State Library, and to provide that the director shall be known as the state librarian; for this purpose amending Section 41-8-1 through Section 41-8-7 of the Code of Alabama 1975.

Committee on State Government.

By Messrs. Vacca and Owen:

S. 49. To provide for the granting of up to six years of creditable service under the Teachers' Retirement System of Alabama for employment-service in public education, which service was rendered outside of the State of Alabama under certain conditions and provided that any member of the Teachers' Retirement System claiming such service must pay the total cost involved therein.

Committee on Finance and Taxation.

By Mr. Powell:

S. 50. To further provide for the deposit or investment of certain state funds; to create a cash management committee and to establish the authority, responsibilities and duties of the committee and certain public officers and officials relating to the manner of determining what state funds and the sums to be invested in time deposits and other investments; to require the state treasurer to solicit bids from state depositories for any state funds to be invested in time deposits with the state depository whose bid offers the highest return to the state treasury; and to repeal specifically Sections 41-14-30 through 41-14-38 of the Code of Alabama, 1975 only to the extent the provisions thereof are inconsistent with or conflict with the provisions of this Act; and to repeal conflicting statutes.

Committee on Finance and Taxation.

By Mr. Peden:

S. 51. Relating to executive appointments; to provide that required confirmations must be made within five legislative days of their submission to the Senate or the appointment shall be void; and to repeal conflicting laws.

Committee on State Government.

By Mr. Peden:

S. 52. Proposing an amendment to the Constitution of Alabama to provide a retirement pension for certain former governors of the State.

Committee on Finance and Taxation.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Jones:

S. 53. Relating to criminal procedure; to prescribe procedure whereby the trial judge in a case involving felonious injury to the person or property of another shall assess and render a judgment for the amount of monetary damages resulting therefrom; to provide that such judgment shall not be subject to any statute of limitations and to provide for an appeal of such judgment.

Committee on Judiciary.

By Mr. Vacca:

S. 54. To amend Section 32-5-64 of the Code of Alabama 1975, which prohibits persons under sixteen years of age from operating motor vehicles, so as to provide that such persons may operate, without a license or learner's permit, a vehicle of an approved school driver's education program, when such persons are accompanied by a qualified instructor, and during school hours.

Committee on Judiciary.

By Mr. Vacca:

S. 55. To exempt the Our Lady of Angels Monastery, Inc., from the payment of all state, county and municipal sales and use taxes.

Committee on Finance and Taxation.

By Mr. Vacca:

S. 56. Prohibiting any state agency from using the barter or similar system for acquiring goods or services; providing that each state agency must record each sales transaction and each purchase transaction; providing that each state agency return to the appropriate fund in the state treasury all revenues generated by sales transactions; and prescribing penalties for violations of the provisions of this act.

Committee on Finance and Taxation.

By Mr. Vacca:

S. 57. To amend further Act No. 763, H. 286, Regular Session 1973 (Acts 1973, p. 1145), which relates to subsistence allowances for law enforcement officers while on duty and to authorize expenditure of funds for that purpose, so as to add Department of Finance, Division of Service.

Committee on Finance and Taxation.

By Messrs. Vacca and Higginbotham:

S. 58. To abolish the state department of youth services and provide for the transfer of all its functions, funds, powers, duties, responsibilities, and property to the state department of education; to provide for the transfer of all the functions, funds, powers, duties, responsibilities and property of the youth services board to the state board of education;

to provide that the youth services board shall continue in an advisory capacity to the state board of education in matters relating to the rehabilitation of delinquent youth; to provide for the appointment and pay of such members; to provide for the continued treatment, education and disposition of youth in the custody of the department of youth services; to authorize the state superintendent of education to combine or abolish certain positions and responsibilities within the said youth services and to employ persons within or without the merit system, for any new positions; and to make an appropriation out of the special educational trust fund to carry out the provisions of this act.

Committee on Judiciary.

By Mr. Shelby:

S. 59. To amend Section 2605 of Act No. 607, S. 33 of the 1977 Regular Session of the Legislature, entitled, "An Act To provide an entirely new criminal code for the State of Alabama; defining offenses, fixing punishment; repealing numerous specific code sections and statutes that conflict herewith as well as other laws that conflict with this act," so as to provide that criminal trespass in the first degree is a Class B felony.

Committee on Judiciary.

By Mr. McMillan:

S. 60. To prescribe regulations relative to the preparation and publication of reports to be issued for public circulation by all state agencies, commissions and departments; and to provide certain exceptions.

Committee on State Government.

By Mr. McMillan:

S. 61. To amend Section 630 of Act No. 607, H. 1134 of the 1977 Regular Session, which section sets the justification for the use of force in making an arrest or in preventing an escape, so as to remove the restrictions on the use of deadly force when a peace officer is performing his lawful duty; and to provide fo the effective date.

Committee on Judiciary.

By Mr. Mims:

S. 62. Providing further for the physically handicapped; requiring all state, county and municipal agencies to provide special parking locations and privileges for such persons; prescribing the circumstances under which such locations and privileges may be used; and prescribing penalties for violating the provisions of this act.

Committee on Health and Welfare.

By Mr. Mims:

S. 63. Further regulating the issuance of license plates for motor vehicles; providing for distinctive license plates for the passenger motor vehicles owned by certain disabled or handicapped persons; to prescribe certain responsibilities, duties and powers for the commissioner of revenue and the director of public safety in providing for the issuance of such

license plates; and to prescribe penalties for violating the provisions of the act.

Committee on Health and Welfare.

By Messrs. Ellis and Vacca:

S. 64. To define motorized bicycles, to prescribe the licensing procedure and allocation of license fees, to apply certain rules of the road and safety requirements and to require no insurance for the operation of such motorized bicycles.

Committee on Judiciary.

By Messrs. Ellis and Vacca:

S. 65. To amend Sections 32-1-1, 32-5-64, and 32-12-20, Code of Alabama 1975 so as to define a motorized bicycle and to provide that a motorized bicycle be treated as a separate and unique form of motor vehicle.

Committee on Judiciary.

By Mr. Roberts:

S. 66. To direct the state department of education to establish and maintain public kindergarten programs as an integral part of the public schools in Alabama, and to provide an appropriation from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1979.

Committee on Finance and Taxation.

By Mr. Shelby:

S. 67. To require certain financial disclosures by the state treasurer, assistant state treasurer or any other employee in the state treasurer's office earning greater than \$15,000 annually, of any personal loans made to them or any member of their immediate family or to any business with which they or their immediate family members are associated, from any financial institution in which state funds are deposited by the state treasurer's office.

Committee on State Government.

By Mr. Little:

S. 68. To amend Section 23-1-6, Code of Alabama 1975, which provides for the highway department to regulate and control the placing of markers, signs, and advertising on the right-of-way of all state controlled highways; to prohibit the placing of any commercial sign, display, device, notice, figure, painting, drawing, message, placard, poster, billboard, or other thing which is designed, intended, or used to advertise on the right-of-way of any road, highway or bridge which is a part of the state highway system whether title to said right-of-way be vested in the State of Alabama in fee, by easement, adverse possession, prescription or by any other means in which title may vest; provide for removal of said signs and penalty for the violation of any provisions of this act, and to repeal any and all laws that conflict with any provision of this act.

Committee on Judiciary.

By Mr. Little:

S. 69. To prescribe that all earned interest accruing to the state treasury, pursuant to Section 41-14-30 of the Code of Alabama, 1975, as amended, shall be designated for medicaid purposes.

Committee on Finance and Taxation.

By Mr. Little:

S. 70. To provide for the public offense of library theft; to define the offense and to define certain terms; to provide certain presumptions of law relative to the offense; to authorize, under certain circumstances, library employees or agents to detain suspected offenders if such detention is based on probable cause; to provide criminal and civil immunity for such library personnel for detentions and resulting arrest authorized under this act; to authorize arrest for the offense by law enforcement officers, without a warrant and upon probable cause; to provide a misdemeanor penalty for the offense which shall be cumulative to existing theft penalties of this state; and to require public and conspicuous display of the provisions of this act in libraries and other institutions covered by the act.

Committee on Judiciary.

By Mr. Little:

S. 71. To name the auditorium scheduled for construction at Southern Union State Junior College in Wadley, Randolph County, Alabama, "The Tom Brazeal Auditorium."

Committee on State Government.

By Mr. King:

S. 72. To provide that any person who produces, displays, disseminates, or possesses with intent to disseminate obscene matter displaying or depicting children under the age of seventeen years engaged in lewd sexual activity or any parent or guardian who knowingly permits their child to be depicted therein shall be guilty of a felony and punished as provided herein, to provide a method of proof that such child is under the age of seventeen, to provide that possession of six or more copies of the same obscene material is prima facie evidence of intent to disseminate the same and to provide for the forfeiture and condemnation of certain property used in or related to the defined crimes, and to provide definitions for its provisions.

Committee on Judiciary.

By Mr. Bank:

S. 73. To provide that any person who produces, displays, disseminates, or possesses with intent to disseminate obscene matter displaying or depicting children under the age of seventeen years engaged in lewd sexual activity or any parent or guardian who knowingly permits their child to be depicted therein shall be guilty of a felony and punished as provided herein, to provide a method of proof that such child is under the age of seventeen, to provide that possession of six or more copies of the same obscene material is prima facie evidence of intent to disseminate the same and to provide for the forfeiture and condemnation of certain property used in or related to the defined crimes, and to provide definitions for its provisions.

Committee on Judiciary.

By Mr. Baker:

S. 74. To amend Code of Alabama 1975, Section 12-18-10, which relates to Judicial Retirement, so as to base retirement benefits for judges becoming eligible for retirement after the effective date hereof on the judge's final salary at the time of retirement.

Committee on Judiciary.

By Mr. Baker:

S. 75. To require that the retirement pay for district and circuit judges shall be paid for exclusively with state funds; to repeal all general, special and local acts and all general acts of local application that provide for retirement pay to district and circuit judges out of any county treasury; to provide for the repayment, plus interest, of any sums paid into any county retirement fund by any district or circuit judge, and to provide that judges with vested rights to supplemental retirement benefits shall continue to receive such benefits.

Committee on Judiciary.

By Mr. Baker:

S. 76. To propose an amendment to the Constitution of Alabama requiring an affirmative act of the Legislature to implement the recommendations of the Judicial Compensation Commission.

Committee on Judiciary.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Baker:

S. 77. To amend Code of Alabama 1975, Section 12-10-5, which relates to recommendations of the judicial compensation commission, to require an affirmative act of the legislature to implement such recommendations.

Committee on Judiciary.

By Mr. Baker:

S. 78. To amend Code of Alabama 1975, Section 12-17-215 which relates to the salaries, tenure and removal of supernumerary district attorneys, so as to provide that the salaries of such supernumerary district attorneys shall be \$18,250 per annum, and to prohibit persons serving in such position from engaging in other gainful employment; to provide that no person not now eligible to become a supernumerary district attorney may do so.

Committee on Judiciary.

By Mr. Peden:

S. 79. To prohibit state supported junior colleges, colleges and universities from constructing or otherwise acquiring branch campuses for operation within a certain radius of any other such junior colleges, colleges or universities without the express consent of the legislature.

Committee on Education.

By Mr. Bank:

S. 80. Proposing and providing for the submission of an amendment to the Constitution of Alabama of 1901, as amended, relating to local government and home rule; and amending, superseding, and repealing Sections 89, 104, 220, 228 and all other provisions of the said Constitution and amendments thereto to the extent they conflict with the provisions of this Act.

Committee on Constitutions and
Elections.

The above Bill was read a first time at length as required by the Constitution.

By Mr. King:

S. 81. To provide that each local school board, city and county, shall establish standards of proficiency to evaluate student progress in the performance of basic skills for students attending schools within its school district; to provide that the state department of education shall assist the local school board by prescribing minimum academic and proficiency standards, including performance indicators; to provide that each school shall report the results of student performance assessments to the local school board; and to provide that each local school board shall have the authority to prescribe such reasonable rules and regulations as are necessary to implement the provisions of this act.

Committee on Education.

Mr. King moved that said Bill, S. B. 81, be re-assigned to another Committee, which motion was adopted, and the President and Presiding Officer re-assigned said Bill, S. B. 81, to the

Committee on Judiciary.

By Mr. Jones:

S. 82. To create a public employees insurance program which provides health and accident insurance coverage for certain public employees in this state; create a board to administer and effectuate the programs herein provided; prescribe the powers and duties of such board, and provide for funding from the state general fund, Alabama Special Educational Trust Fund to finance the program, and any other funds from which state employees' salaries are paid.

Committee on State Government.

By Mr. Waldrop:

S. 83. To amend the Alabama Civil Defense Act of 1955 now appearing in Sections 31-9-2 through 31-9-24, Code of Alabama 1975, so as to authorize state grants for local civil defense and emergency preparedness programs.

Committee on State Government.

By Mr. Pearson:

S. 84. To create a cabinet level position known as "Commissioner of Utilities"; to provide for the appointment, term and compensation of said commissioner; to provide that the public service commission shall abrogate

certain powers, duties, authority and jurisdiction in favor of said commissioner; to further empower said commissioner to increase and decrease utility rates and charges in the best interests of the consumer public; to provide for direct appeal to the state supreme court of certain orders issued by said commissioner; to provide for the staffing of said commissioner's office; to make necessary appropriations to carry out the provisions of this Act and to provide for supplemental effect.

Committee on State Government.

By Mr. McMillan:

S. 85. To impose a civil liability on any person who knowingly causes a false alarm or false report for emergency or rescue service to be transmitted to or within any rescue squad, fire department or like authorities, whether volunteer, public or privately owned.

Committee on Judiciary.

By Mr. McMillan:

S. 86. To amend Section 14-8-8, Code of Alabama, 1975, which defines the conduct which constitutes an escape by inmates who are participating in the state work release program and prescribes the punishment for such escape, so as to further define and clarify the punishment for escape by inmates who, at the time of the escape, are participating in the state work release program.

Committee on Judiciary.

By Mr. McMillan:

S. 87. To amend Section 32-5-76 of the Code of Alabama, 1975, which prohibits the operation of a motor vehicle loaded with gravel or other like substance in such manner that the contents of the vehicle spill out and endanger the property and safety of motorists and pedestrians, so as to further regulate such vehicles and to prescribe the punishment therefor.

Committee on Judiciary.

By Mr. Bank:

S. 88. Proposing an amendment to the Constitution of 1901 which provides a means of adopting local amendments to the Constitution at local elections.

Committee on Constitution and
Elections.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Edwards:

S. 89. To provide further for the organization, admission, consolidation, merger and dissolution of certain corporations, and to prescribe the powers, authority and duties of such corporations, and of the officers, directors and shareholders thereof; subject to the provisions of Section 188 of this Act, to repeal Sections 10-2-1 through 10-2-7, 10-2-20, 10-2-22 through 10-2-35, 10-2-50 through 10-2-58, 10-2-70, 10-2-71, 10-2-90 through 10-2-98, 10-2-110, 10-2-112, 10-2-114, 10-2-130 through 10-2-135, 10-2-150, 10-2-160,

10-2-161, 10-2-162, 10-2-164 through 10-2-169, 10-2-180 through 10-2-189, 10-2-200 through 10-2-212, 10-2-250 through 10-2-253, 10-2-256, 12-11-34 through 12-11-39, of the Code of Alabama of 1975.

Committee on Judiciary.

By Mr. Roberts:

S. 90. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, relating to local government and home rule; amending and superseding specifically Sections 38, 39, 40, 41, 89, 220 and 228 and Amendments No. 81, 132, 140, 142, 144 and 184 of the Constitution of Alabama of 1901, as amended; and repealing and superseding all other conflicting provisions of said constitution and amendments thereto.

Committee on Constitution and
Elections.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Jones:

S. 91. To provide salary increases for certain state employees, and to appropriate funds therefor.

Committee on State Government.

By Mr. Jones:

S. 92. To provide salary increases for certain educational employees.

Committee on Education.

By Mr. McDonald (A) (with notice and proof):

S. 93. To provide that the Madison County Commission may appoint an Awards Committee to make recommendations to said commission.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 93, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. McDonald (A) (with notice and proof):

S. 94. Relating to Madison County, to authorize the County Commission to designate an official County Historian and appropriate an honorarium for same.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 94, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. McDonald (A) (with notice and proof):

S. 95. Relating to Madison County; to empower the several district commissioners on the county commission or other like governing body to authorize the opening of any grave within their district for the interment services of deceased individuals and to repeal all conflicting statutes.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 95, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. King:

S. 96. Repealing Section 13-5-1 of the Code of Alabama, 1975 which forbids executive or secret sessions of certain boards and to provide for the prohibition of executive or secret sessions of meetings of state governing bodies, boards, councils, commissions and the like.

Committee on Judiciary.

By Mr. Pearson:

S. 97. To amend Section 2 of Act 182, S. 442, 1976 Regular Session (Acts of 1976, p. 176), so as to require supervision for inmates released prematurely due to good time credit.

Committee on Judiciary.

By Mr. Ellis:

S. 98. To amend Sections 23-1-271, 23-1-273, 23-1-275, 23-1-278, 23-1-279, 23-1-280 and 23-1-288 of the Code of Alabama 1975, dealing with outdoor advertising so as to further regulate signs within 660 feet of a highway, and to provide for an increase in the permit fee for such signs.

Committee on Finance and Taxation.

By Mr. Little:

S. 99. Relating to the state ethics commission; to amend Section 36-25-4, Code of Alabama 1975, relating to the state ethics commission so as to regulate further the powers and duties of the state ethics commission so as to provide such commission with the power to subpoena witnesses and documentary evidence.

Committee on State Government.

By Mr. Wilson:

S. 100. To provide that the Department of Public Safety shall provide and maintain a minimum of two personnel to protect the person of any former governor who while in office sustained bodily injury from any violent criminal act.

Committee on Judiciary.

By Mr. Vacca:

S. 101. To be known as the Alabama Rules of the Road Act, providing rules of highway and traffic safety, establishing general rules relating to the

effect of traffic laws, establishing general rules relating to the effect of traffic laws, establishing certain traffic laws and penalties for the violation thereof, providing for the establishment of traffic signs, signals and markings, and providing for certain powers of the state highway department and the department of public safety of this state; repealing numerous specific code sections and statutes that conflict herewith as well as all other laws that conflict with this act.

Committee on Judiciary.

By Mr. Little:

S. 102. Relating to taxation, exempting the American Diabetes Association, Alabama Affiliate, Inc., a non-profit corporation organized and existing under the laws of the State of Alabama, and its departments and agencies from the levy of the state sales and use taxes.

Committee on Finance and Taxation.

By Mr. Waldrop:

S. 103. To amend Section 16-11-1, Code of Alabama 1975, relating to education so as to redefine a "city" within the meaning of Title 16.

Committee on Local Government.

By Mr. Waldrop:

S. 104. To amend Section 40-9-1, Code of Alabama 1975, so as to exempt from ad valorem taxation all property owned by Loyal Order of Moose or lodge thereof, provided such property is used and occupied exclusively by such organization.

Committee on Finance and Taxation.

By Mr. Stewart:

S. 105. To amend Section 40-18-20 of the Code of Alabama 1975, relating to a state income tax exemption for military retirement benefits, so as to provide further for such exemption.

Committee on Finance and Taxation.

By Mr. McMillan:

S. 106. To provide for the creation of restitution centers on an experimental basis, the purpose of which shall be to allow certain minimum security risk offenders to repay all or part of the damages incurred by the victim of the offender's offense through employment opportunities secured by the supervisory personnel of the restitution center.

Committee on Judiciary.

By Mr. King:

S. 107. Relating to presidential preference primary elections; to provide for the time and manner of holding such elections; to provide for qualifying petitions and fees and the method of allotting and naming delegates; to make the provisions hereof apply to vice presidential candidates at the election of the party; to prescribe the duties of the secretary of state, party officials and candidates with respect to the primary; to amend Code of Alabama 1975, Section 17-6-6; and to repeal conflicting laws.

Committee on Constitution and
Elections.

By Mr. Powell:

S. 108. To further provide for the deposits and investments of state funds; to create a state treasury board and the position of state money manager; to establish the authority, responsibilities and duties of the board and the state money manager; and to repeal conflicting laws.

Committee on State Government.

By Mr. Powell:

S. 109. To require that group, individual, or blanket hospital or medical expense insurance policies or hospital or medical service contracts issued for delivery in this State which include mental health services in the terms of the policies or contracts, shall include reimbursement for services rendered by a duly qualified psychologist of this State notwithstanding any provisions of the policies or contracts to the contrary.

Committee on Insurance.

By Mr. Powell:

S. 110. To amend Section 158 of Act 407, H. B. 198, Regular Session, 1971 (Acts of Alabama, 1971, Volume II, Page 792, as Amended), which regulates the licensing of insurance agents, by limiting the persons to whom licenses may be issued and establishing qualifications required for said persons to be issued a license.

Committee on Insurance.

By Mr. Perloff:

S. 111. To authorize the county commission or other like governing body of any county having a population of not less than 300,000 nor more than 500,000 according to the most recent federal decennial census, to select and appoint a secretary for each county commissioner, to provide for the appointment of such secretary, to provide for the salary of each secretary, and the method of payment of such secretary.

Committee on Local Legislation No. 1.

By Mr. Higginbotham:

S. 112. To permit the Department of Public Safety to charge for the cost of providing goods and services furnished upon request and permit the retention of such funds in the Department's current operating budget.

Committee on Judiciary.

By Mr. Higginbotham:

S. 113. To exempt Smith's Water Authority in Lee County, Alabama, from the provisions of Section 40-21-82 of the Code of Alabama of 1975, which levies a certain tax on the gross receipts and gross sales of certain utilities.

Committee on Finance and Taxation.

By Mr. Ellis:

S. 114. To require that any appointment made by the governor of any person to hold any cabinet office shall be subject to Senate confirmation and to provide the manner therefor.

Committee on State Government.

By Mr. Mitchell:

S. 115. To provide that the State of Alabama shall carry and pay for certain liability insurance to indemnify all state employees required to drive a vehicle as part of their employment.

Committee on State Government.

Mr. Mitchell moved that said Bill, S. B. 115, be re-assigned to another Committee, which motion was adopted, and the President and Presiding Officer re-assigned said Bill, S. B. 115, to the

Committee on Insurance.

By Mr. Mitchell:

S. 116. To provide for a pay increase for the members of the Enforcement Division of the Public Service Commission who have complied with the Minimum Standards and Training Act and to appropriate necessary funds; to make the effective date of this act October 1, 1978.

Committee on Finance and Taxation.

By Mr. Ellis:

S. 117. To provide for computer privacy for all Alabama citizens; to regulate certain public and private business entities dealing with computers and to provide criminal sanctions for violation of this Act.

Committee on Business and Labor Relations.

By Mr. Ellis:

S. 118. To provide for the periodic safety inspection of certain dams in this state by the State Department of Civil Defense.

Committee on State Government.

By Mr. Mitchell:

S. 119. To amend Section 40-6-3 of the Code of Alabama 1975, as amended, so as to provide further for the compensation of supernumerary tax collectors, tax assessors and license commissioners or other elected officials charged with the assessment and/or collection of any ad valorem taxes in the various counties of the State of Alabama having a population of less than 600,000 inhabitants.

Committee on Finance and Taxation.

By Mr. King:

S. 120. To appropriate from the Special Educational Trust Fund the sum of \$10,000,000.00 for the fiscal year ending September 30, 1979, to finance certain capital improvements at Alabama Agricultural and Mechanical University in Huntsville, Alabama.

Committee on Finance and Taxation.

By Mr. King:

S. 121. To exempt all retirement pay and survivor benefits derived from employment with the Tennessee Valley Authority from state income taxes.

Committee on Finance and Taxation.

By Mr. Waldrop:

S. 122. To provide for the cooperation and continuing legal education of attorneys who represent public boards and agencies; to authorize public boards and agencies to expend funds for such purposes.

Committee on Judiciary.

By Mr. Vacca:

S. 123. To amend Section 40-12-252, Code of Alabama 1975, to allow extended registration and licensing period for fleet owners of rental utility trailers.

Committee on Finance and Taxation.

By Mr. McMillan:

S. 124. To amend section 6-6-482, Code of Alabama 1975, which exempts salaries of public employees and officials from garnishments issued on judgments ex delicto so as to allow garnishments for the enforcement against such employees or officials of the legal obligation to provide child support.

Committee on Judiciary.

By Mr. Bank:

S. 125. To amend Section 1 of Act No. 352, H. B. 576 of the 1977 Regular Session (Acts of 1977, p. 470; now appearing in Code of Alabama 1975, Section 41-21-1) so as to add tax collectors, tax assessors and license commissioners to the list of individuals and agencies receiving free state copies of the Code of Alabama 1975.

Committee on State Government.

By Mr. Peden:

S. 126. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, prohibiting the Attorney General of Alabama from misusing the powers of his office for political or personal gain; and providing penalties for violation.

Committee on Judiciary.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Peden:

S. 127. To prohibit District Attorneys, Solicitors or other prosecuting attorneys from releasing or otherwise making public any information concerning any person, firm or corporation undergoing investigation for commission of a criminal offense, and further prohibiting District Attorneys,

Solicitors and other prosecuting attorneys from releasing or otherwise making public that any person, firm or corporation is being investigated for the commission of a criminal offense until an indictment has been returned against such person, firm or corporation.

Committee on Judiciary.

By Mr. Peden:

S. 128. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, prohibiting District Attorneys and solicitors from seeking or accepting any elective public office, other than re-election to the office which they are holding, or holding any other office of public trust, or violating public trust through investigative powers for personal and political gain; and provides for impeachment and removal from office for violation.

Committee on Judiciary.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Teague:

S. 129. To provide a State Collective Bargaining Law for employees of the State and any political subdivision thereof and for employees in non-profit institutions financially aided from public funds.

Committee on Business and Labor Relations.

By Mr. Teague:

S. 130. To provide for a privilege license for automotive dismantlers and parts recyclers; to fix a fee for such license; to require proof of responsibility for such license; to provide for the business which may be carried on under such license; to set qualifications for obtaining such license; to require maintenance of certain records to assist law enforcement officials; to authorize holders of such license to transfer certificates of title to motor vehicles as a licensed motor vehicle dealer; to provide for cancellation or revocation of such license; to require buyers at salvage pools or salvage disposal sales to obtain a permit to purchase at such sales; to fix a penalty for violations of this Act; and to set an effective date.

Committee on Finance and Taxation.

By Mr. Teague:

S. 131. To appropriate \$500,000 from the Special Education Trust Fund to the St. Clair County Board of Education for the construction and equipping of a school for the city of Moody.

Committee on Finance and Taxation.

By Mr. Jones:

S. 132. To provide for the establishment and regulation of a national guard scholarship fund committee; to provide for certain scholarships; and to make an appropriation therefor.

Committee on Finance and Taxation.

By Mr. Jones:

S. 133. To provide a cost of living increase to be paid to certain retired members of the Teachers' Retirement System of Alabama in the same manner and from the same source of funds as is provided in Section 16-25-21 of the Code of Alabama 1975; to make appropriations sufficient to cover the cost of such increased payments; and to provide an effective date.

Committee on Finance and Taxation.

By Mr. Jones:

S. 134. To require any state agency, board, commission or department to give reasonable public notice and to hold public hearings in any community which will be affected by any policy, directive, rule or regulation it proposes which concerns people or property; to provide the manner of notice and publication of such rules and regulations; to prescribe the rights of any party damaged as a direct result of the director, department head, or like supervisor issuing such directive, rule or regulation; and to prescribe penalties for violating the provisions of this act.

Committee on State Government.

By Mr. Jones:

S. 135. Relating to counties having a population of not less than 150,000 nor more than 180,000 inhabitants according to the 1970 or any subsequent federal decennial census; to regulate the sale of certain obscene material; and to prescribe penalties for violation.

Committee on Local Legislation No. 1.

By Mr. Waldrop:

S. 136. To create a Commission on Physical Fitness to supersede the Commission on Physical Fitness created by Sections 22-5-1 through 22-5-9, Code of Alabama 1975; to abolish the commission created by the said code sections; to prescribe the powers, duties, and authority of the newly created commission; to provide for the selection, term, qualifications, powers, duties, authority and compensation of the members thereof; to provide for the appointment, duties, and compensation of an executive secretary who shall be covered by the state merit system; to provide for other employees; and to repeal conflicting laws, specifically Sections 22-5-1 through 22-5-9, Code of Alabama 1975.

Committee on State Government.

By Mr. Jones:

S. 137. To provide a cost of living increase be paid to certain retired members of the Employees' Retirement System of Alabama in the same manner and from the same source of funds as is provided in Section 36-27-24 of the Code of Alabama, 1975; to make appropriations sufficient to cover the cost of such increased payments; and to provide an effective date.

Committee on Finance and Taxation.

By Mr. McDonald (A):

S. 138. To propose an amendment to the Constitution of Alabama

relative to the right to own property, limiting the state's regulatory authority, restricting the power of eminent domain, providing greater compensation to property owners in eminent domain cases, and restricting the seizure of business enterprises by government.

Committee on Constitution and Elections.

The above Bill was read a first time at length as required by the Constitution.

By Mr. McDonald (A):

S. 139. Proposing an amendment to the Constitution of 1901, as amended, so as to further amend Article 6, Section 148, which relates to judicial compensation.

Committee on Constitution and Elections.

The above Bill was read a first time at length as required by the Constitution.

By Mr. McDonald (A):

S. 140. To prohibit any person from operating a motor vehicle on any road or highway of this state which has decals or any matter of a paint substance or material which covers more than twenty-five percent (25%) of the windshield or any window of the vehicle; and to prescribe penalties for violating the provisions of this act.

Committee on Judiciary.

By Mr. McDonald (A):

S. 141. To require the repurchase of inventory of stock and equipment held for sale by certain franchisee-retailers, by the franchisor-wholesaler, franchisor-manufacturer or franchisor-distributor; to provide a procedure for such repurchase; to establish limitations upon such repurchase; to provide for failure to repurchase; to extend the right to require such repurchase to the heirs of the franchisee-retailer; and to provide for other provisions necessary to effect the purposes of this act.

Committee on Business and Labor Relations.

By Mr. McDonald (A):

S. 142. To amend Section 41-16-50 of the Code of Alabama 1975 so as to provide further for the awarding of certain competitive bid contracts to resident bidders.

Committee on State Government.

By Mr. McDonald (A):

S. 143. To further provide for the judicial retirement fund; to further regulate the judiciary's compensation, contributions and retirement eligibility; to amend Section 12-1-15 of the Code of Alabama, 1975, pertaining to benefits and salaries for justices and judges so as to clarify that the legislative intent with respect to legislation pertaining to state employees' benefits and salaries does not include justices and judges unless they are specified in such legislation; to amend Sections 12-18-6 and 12-18-10 of the Code of Alabama, 1975, relating to retirement eligibility and benefits for justices and judges so

as to prescribe the eligibility and retirement benefits therefor for justices and judges of the circuit, district and probate courts; to amend Section 12-18-55 of the Code of Alabama, 1975, relating to retirement eligibility for district judges, so as to move the eligibility requirements to Section 12-18-6 of the said Code; to amend Section 12-18-87 of the Code of Alabama, 1975, relating to retirement eligibility and benefits for probate judges so as to move such qualifications for eligibility and benefits to Sections 12-18-6 and 12-18-10 of said Code; to specifically repeal Sections 12-18-58, 12-18-59, 12-18-61 and 12-18-84 of the Code of Alabama, 1975; to repeal any conflicting laws; to preserve the rights of certain justices and judges; to clarify legislative intent; and to provide an effective date for the provisions of this Act.

Committee on Finance and Taxation.

By Mr. Higginbotham:

S. 144. To name the National Guard Armory now under construction in Opelika, Lee County, Alabama, "Fort Alfred C. Harrison."

Committee on State Government.

By Mr. King:

S. 145. This bill establishes a procedure whereby the circuit court clerk maintains a complete public record of a judge's sentencing history. This public record will be made available for inspection by the media and the general public at all times during normal working hours.

Committee on Judiciary.

By Mr. Baker:

S. 146. To provide for competitive bidding on certain contracts of public utilities licensed and regulated by the public service commission of this state; to prescribe procedure, conditions, exceptions and limitations relative to such bidding on such contracts and to provide penalties for violations of the provisions of this act.

Committee on State Government.

By Mr. Baker:

S. 147. To provide that it shall be an unlawful conflict of interest for certain officers, members of the boards of directors or employees of public utilities operating within this state, or certain businesses, in which such persons are partners, stockholders, officers, directors or employees, to engage in certain business transactions with such utilities and to prescribe penalty for violations.

Committee on State Government.

By Mr. Baker:

S. 148. Relating to certain public utilities, to provide that gas and electric utility service bills which are based on estimates rather than actual meter readings shall bear certain evidence of such estimate on such bill and to empower the Public Service Commission to enforce the provisions of this Act.

Committee on State Government.

By Mr. Baker:

S. 149. To prohibit any public utility in the State of Alabama from making any wholesale or retail sale of its service to any customer at a price less than the cost of production and to provide penalties for any violation thereof.

Committee on State Government.

By Mr. Baker:

S. 150. Relating to certain public utilities, to provide that effective January 1, 1979, all public utilities supplying gas and electrical service within this state shall install meters which reflect the amount of consumption of such services in dollars and cents.

Committee on State Government.

By Mr. King:

S. 151. To provide for holding a convention to revise and amend the Constitution of this state, to provide consulting and professional assistance, and to make a conditional appropriation.

Committee on Constitution and Elections.

By Mr. King:

S. 152. To amend Sections 37-3-4 and 37-3-33 of the Code of Alabama 1975 so as to exempt car pools and van pools from regulation by the Public Service Commission and municipalities.

Committee on State Government.

By Mr. King:

S. 153. To provide for the centralized state purchasing of certain equipment based on considerations of life cycle costs, energy performance standards and indices, and logistics cost advantage for energy conservation purposes.

Committee on State Government.

By Mr. King:

S. 154. Providing for thermal energy conservation through standardized criteria for new and renovated buildings.

Committee on State Government.

By Mr. Peden:

S. 155. To grant the University of North Alabama the power of eminent domain within Lauderdale County in the State of Alabama.

Committee on Education.

By Mr. Peden:

S. 156. To require certain city, county and state law enforcement agencies to require their officers to wear bullet proof vests while on duty.

Committee on Local Government.

By Mr. Perloff:

S. 157. To provide immunity from civil liability in tort for all members of any public board of education in this state and for all employees of such boards for actions occurring while such persons are engaged in official business of their respective boards on district-owned property.

Committee on Education.

By Messrs. Pearson, McMillan and Clemon:

S. 158. To amend Section 2 of Act 182, S. 442, 1976 Regular Session (Acts of 1976, p. 176), so as to require supervision for inmates released due to good time credit earned under provisions of this Act.

Committee on Judiciary.

By Mr. Teague:

S. 159. To amend Section 2 of Act 281, H. 295, Special Session, 1966 (Title 52, Section 622(5)), which is the Alabama Educational Benefits for Dependents of Blind Parents Act, so as to increase the amount of family income allowed in a family where the head of the household is blind for dependents to be eligible for educational benefits at institutions of higher learning.

Committee on Finance and Taxation.

By Mr. Teague:

S. 160. To amend further Section 3 of Act No. 47, H. 29, Regular Session 1951, (Acts of 1951, p. 259), as last amended, which relates to the provision of educational benefits to certain disabled veterans; to dependents and survivors of disabled veterans; and to dependents and survivors of deceased servicemen or veterans so as to further regulate the granting of such benefits.

Committee on Finance and Taxation.

By Mr. Perloff:

S. 161. Relating to criminal procedure; to further regulate an accused felon's right to a trial by jury in certain criminal proceedings in the courts of this state.

Committee on Judiciary.

By Mr. Perloff:

S. 162. Relating to personalized motor vehicle license plates; to amend Act No. 144, S. 58, 1975 Third Special Session (Acts 1975, p. 387), which provides for the issuance of personalized motor vehicle license plates at an additional fee; so as to explicitly provide that payment of said additional fee shall be payable only upon issuance of the personalized license plate.

Committee on State Government.

By Mr. Waldrop:

S. 163. To amend Section 25-5-77, Code of Alabama 1975, which relates to medical, surgical, and hospital service, and vocational rehabilitation under workmen's compensation so as to provide that injured employees shall

have their choice of physicians for treatment and the employer shall be fully liable for such treatment.

Committee on Business and Labor Relations.

By Mr. Waldrop:

S. 164. Relating to all cities having a population of 5,268 inhabitants according to the 1977 federal special census or any subsequent federal decennial census, providing for the election by popular vote of the members of the city board of education; prescribing the terms, qualifications and compensation, abolishing the existing city board of education and repealing all conflicting statutes.

Committee on Local Legislation No. 1.

By Mr. Waldrop:

S. 165. Proposing an amendment to the Constitution of Alabama; authorizing and providing procedures for the qualified electors of Etowah County to recall elected public officials of said county.

Committee on Local Legislation No. 1.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Waldrop:

S. 166. Proposing an amendment to the Constitution of Alabama; authorizing and providing procedures for the qualified electors of all incorporated municipalities in Etowah County, Alabama, to recall the mayor and members of the city governing body.

Committee on Local Legislation No. 1.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Waldrop:

S. 167. To provide the procedure for a vote of confidence or the recall of elective public officers; to prevent fraud and to provide penalties for violation of any of the provisions of this Act.

Committee on Local Government.

By Mr. Waldrop:

S. 168. Proposing an amendment to the Constitution of Alabama granting the Legislature the authority to provide the procedure for a vote of confidence or recall of certain elective public officers in this State.

Committee on Constitution and Elections.

The above Bill was read a first time at length as required by the Constitution.

By Messrs. Peden and Fine:

S. 169. To amend Sections 32-9-1, 32-9-20, 32-9-24, 32-9-27, 32-9-29, 32-9-30, and 32-9-32 Code of Alabama 1975, as amended, which relate to height, weight, and width requirements for vehicles and loads traveling upon public roads and for the issuance of permits for the movement of oversized

vehicles and loads upon the state's public roads, so as to transfer certain responsibilities concerning the regulation of such vehicles and oversized loads from the state highway department to the department of public safety; to provide further for the width requirements for vehicles and loads traveling the state's public roads; to further define loads which are not readily separable; to provide that any office of the department of public safety is authorized to issue certain oversized permits; to prohibit the travel of certain oversized vehicles on interstate highways; to deny the issuance of permits in violation of federal law; to exempt certain farm and agricultural commodities and equipment from the provisions of the title; and to authorize the department of public safety to establish and administer official weighing and measuring stations pursuant to the enforcement of the provisions of the title.

Committee on Finance and Taxation.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Edwards:

S. 170. To require the public safety department to investigate any motor vehicular accident occurring on any public road within the police jurisdiction of any municipality or town, having a population of less than 2,000, where the municipality or town has no full-time police force; and to prescribe that the director of the department of public safety shall issue and promulgate any reasonable rules and regulations necessary to implement the provisions of this act.

Committee on State Government.

By Mr. Edwards:

S. 171. To amend §32-6-1 of the Code of Alabama 1975, by requiring the director of public safety to mail a notice of expiration and application for renewal to each driver's licensee.

Committee on State Government.

By Mr. Edwards:

S. 172. To require that any insurer under any liability policy doing business in this state shall be required to allege and prove that it has, in fact, been damaged or prejudiced by reason of a failure of cooperation or failure to notify on the part of the insured party as a condition precedent to relieving the insurer of its liabilities under the terms of the policy.

Committee on Insurance.

By Mr. Edwards:

S. 173. To repeal Section 12-15-67 of the Code of Alabama 1975, which provides statements of a child made during the process of the case shall not be used prior to determination of allegations of petition in delinquency or in need or supervision cases or prior to conviction in criminal proceedings.

Committee on Judiciary.

By Mr. Edwards:

S. 174. To exempt the Garden Club of Alabama, Inc., a non-profit

organization, from the payment of all state, county and municipal sales and use taxes.

Committee on Finance and Taxation.

By Mr. Edwards:

S. 175. To exempt the Austin Band Boosters, Inc., a non-profit organization, from the payment of all state, county and municipal sales and use taxes.

Committee on Finance and Taxation.

By Mr. Edwards:

S. 176. To repeal Section 29-1-7 of the Code of Alabama 1975, which grants privileges and immunities from arrest and civil process to members of the Legislature.

Committee on State Government.

By Mr. Edwards:

S. 177. To exempt the Decatur High School Band Boosters, a non-profit organization, from the payment of all state, county and municipal sales and use taxes.

Committee on State Government.

By Mr. Edwards:

S. 178. To propose an amendment to the Constitution of Alabama relating to privileges and immunities of members of the legislature.

Committee on State Government.

The above Bill was read a first time at length as required by the Constitution.

By Messrs. King, Fine, Mitchell, Little, Stewart, Goodwin, Miller, Ellis, McMillan, Perry, McDonald (A), Vacca, Wilson, Roberts, Teague, Jones, Owen and Peden.

S. 179. To amend Section 40-18-20 of the Code of Alabama 1975, relating to a state income tax exemption for military retirement benefits so as to provide further for such exemption.

Committee on Finance and Taxation.

By Mr. Powell:

S. 180. Relating to the State Personnel Board to increase the number of members on said board from three to five; providing for the selection appointment, term of office and compensation of the additional members and repealing all conflicting statutes.

Committee on State Government.

By Mr. Jones:

S. 181. To amend Section 5-2-10, 5-2-120, 5-2-123, 5-2-125, 5-17-1, 5-17-8, 5-17-17, 5-17-19, 5-17-20, 5-17-2 as amended by Section 3 of Act No. 210, Regular Session 1977, and Section 5-17-11 as amended by Section 1 of

Act No. 210, Regular Session 1977, Code of Alabama 1975, all of which provide for credit unions in Alabama, so as to provide for enactment of regulations by the State Banking Department, appointment of members of the Credit Union Board of the Bureau of Credit Unions by the governor, procedures for adoption of rules and regulations by the Superintendent of Banks, hearing on charter revocations, election of officers, reserves and insurance requirements, and elimination of unnecessary language.

Committee on Banking.

By Mr. McDonald (A):

S. 182. To redivide the state into judicial circuits so as to create a Thirty-ninth Judicial Circuit consisting of Limestone County, to create the offices of circuit judge and district attorney in such circuit and provide for appointment to fill certain vacancies; to provide further for salary supplements and expense allowances for certain officers; for these purposes, to amend Code of Alabama 1975, Section 12-11-2; and to make an appropriation for operation of the new circuit.

Committee on Finance and Taxation.

By Messrs. McDonald (A), Mims, King, Adams, Fine, Teague, Little, Goodwin, Bank, Wilson, McDonald (S), Perry, McMillan and Baker.

S. 183. To amend Section 40-23-4 of the Code of Alabama 1975, providing exemptions from the state sales tax so as to further provide for an exemption for diesel oil and tractor fuel used on a farm for agricultural purposes.

Committee on Finance and Taxation.

By Messrs. McDonald (A), Peden, Goodwin and King:

S. 184. To make a supplemental appropriation, from the general fund of the state treasury for the fiscal year ending September 30, 1978, to the Bureau of Publicity and Information.

Committee on Finance and Taxation.

By Mr. McDonald (A):

S. 185. To amend Section 34-26-22, Code of Alabama 1975, by changing the biennial registration fee for licensed psychologists to an annual registration fee of \$50.00; to amend Section 34-26-43, Code of Alabama 1975, by increasing the application fee for permanent licenses as psychologists to \$125.00; and to provide for an examination fee for candidates for licensure as psychologists not to exceed \$100.00.

Committee on Health and Welfare.

By Mr. McDonald (A):

S. 186. To grant certain jurisdiction and authority to judges of recorder's courts in those cases involving motor vehicle driving privileges.

Committee on Judiciary.

By Mr. McDonald (A):

S. 187. To amend Section 1 of Act No. 796, H. 1033 of the 1971 Regular

Session of the Legislature of Alabama (1971 Acts p. 1530) relating to cities having populations of not less than 70,000 nor more than 300,000 according to the 1970 or any subsequent federal decennial census so as to provide that in cities having populations of not less than 135,000 nor more than 185,000 the run-off date for members of the city board of education is changed.

Committee on Local Legislation No. 1.

By Mr. McDonald (A):

S. 188. To amend Section 3 of Act No. 738, H. 1596 of the 1971 Regular Session of the Legislature of Alabama relating to cities having a population of not less than 135,000 nor more than 185,000 according to the 1970 or any subsequent federal decennial census so as to change the run-off date for the mayor and council members of the city to coincide with the run-off date of state elections.

Committee on Local Legislation No. 1.

By Messrs. McDonald (A), Stewart, King, McDonald (S) and Waldrop:

S. 189. To regulate the practice of counselors in Alabama; to create a Board of Examiners in Counseling; to prescribe the duties and powers of said Board; to provide for the examination and licensure of counselors and the examination and certification of counselor associates; to fix penalties for the violation of this Act; to impose licensure and certification fees and to provide for the use of funds received.

Committee on Health and Welfare.

By Mr. McDonald (A):

S. 190. To further amend Section 37-1-51 of the Code of Alabama 1975, as amended, which section relates to local traffic control devices, so as to allow motor vehicles in certain circumstances to turn right or left on a red traffic signal.

Committee on Judiciary.

By Mr. McDonald (A):

S. 191. Relating to public health; restricting smoking in certain places and areas and prescribing penalties for violation of this act.

Committee on Health and Welfare.

By Mr. McDonald (A):

S. 192. Proposing and providing for further amendment to Article XVIII, Section 284 of the Constitution of 1901, as amended, so as to prescribe the times for holding elections on constitutional amendments, the exception thereto and setting the required majority for passage in each house of the legislature.

Committee on Constitution and Elections.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Noonan:

S. 193. To amend the title and Section 3 of Act No. 653, H. 589, 1975

Regular Session (Acts of 1975, p. 1410) relating to voter registration and reidentification in all counties having populations of not less than 300,000 nor more than 600,000 according to the 1970 or any subsequent decennial census, so as to determine a suitable means of advertising the visits, provide transportation for the members of the board of registrars to and from places where any registration is being conducted, and to provide an increase in compensation for each member of the board.

Committee on Local Legislation No. 1.

By Messrs. Mitchell and McMillan:

S. 194. To provide for the registration of all perpetual care cemeteries; to define terms; to name and designate the Alabama State Commissioner of Insurance as Commissioner under this act, and authorize a deputy commissioner, with specifications of their duties; to provide for regulations; to provide for cemetery signs; to provide for mandatory contractual provisions; to require the creation of irrevocable trust funds, with trustees and depositories, and prescribe their functions; to provide for the issuance of licenses, and the revocation, suspension and refusal to renew same, and hearings thereon; to provide for the promulgation of rules and regulations for the operation of perpetual care cemeteries; to provide for reports, inspections and audits in the administration of the provisions of this act; to provide for civil relief and criminal penalties; to repeal conflicting laws.

Committee on Insurance.

By Mr. Mitchell:

S. 195. To amend Section 36-27-23 of the Code of Alabama 1975 relating to the Board of Control of the State Employees' Retirement System so as to restructure said board to provide further for membership on the board of members of the system.

Committee on State Government.

By Messrs. Mitchell, Adams, Owen, Mims, Little and Jones:

S. 196. To require that the implementation and collection of ad valorem taxes, pursuant to the Statewide Property Reappraisal program, or any statute or federal court order related thereto, shall be effective on a uniform date throughout the state; to authorize certain responsibilities and powers to the commissioner of revenue for establishing such uniform date; and to repeal conflicting laws.

Committee on Finance and Taxation.

By Mr. Roberts:

S. 197. To provide that any conference or confidential communication between any priest, rabbi, or ordained minister and a member of his congregation or any person seeking spiritual or moral guidance shall be a privileged communication under the laws of this state.

Committee on Judiciary.

By Mr. Owen:

S. 198. This bill provides that the Department of Revenue is to deposit tax collections in a Banking Institution to the credit of the Treasurer of the

State of Alabama, certifying to the Treasurer such deposit and repealing all laws in conflict with this Act.

Committee on Finance and Taxation.

By Mr. Owen:

S. 199. To amend Sections 41-9-349 and 41-9-357 of the Code of Alabama, 1975, which sections relate to the powers and duties of the USS Alabama battleship commission and the battleship fund, so as to authorize the commission, in its discretion, to hold and conduct meetings and activities of a promotional and social nature in order to operate, maintain and further effect the purposes of the memorial and exhibit and of the commission.

Committee on State Government.

By Mr. Owen:

S. 200. This bill creates an investment committee to supervise the investment of state funds. It provides for the method of appointment. It provides for the employment of an investment specialist. It sets the compensation for the committee members and the maximum compensation that can be paid to the specialist. It provides for the meeting of the committee and repeals all laws in conflict with this Act.

Committee on Finance and Taxation.

By Mr. Owen:

S. 201. To exempt Exceptional Children, Inc., Washington County Day Care Center, Sunflower School, from payment of all sales and use taxes.

Committee on Finance and Taxation.

By Messrs. Owen and Goodwin:

S. 202. To amend Section 2, Subsection 19(g)(4) of Act No. 636, H. 481 of the 1977 Regular Session, which act makes appropriations from the general fund of the state treasury for the ordinary expenses of the executive, legislative and judicial functions of government for the fiscal year ending September 30, 1978, so as to allow the Department of Conservation to expend from its allotted appropriation in the Marine Resources Fund monies for certain capital outlay purposes.

Committee on Finance and Taxation.

By Mr. Owen:

S. 203. To provide safeguards for federal tax return information used in the administration of Alabama revenue laws and to provide penalties for the misuse of such information.

Committee on Finance and Taxation.

By Messrs. Owen, Mims, Proctor, Teague, Stewart, Little, Waldrop, Gilmore, Powell, Mitchell, Higginbotham, Miller, Adams, Ellis, McMillan, Clemon, Perry and Bank:

S. 204. To make an appropriation out of the State general fund to the Alabama Forestry Commission to pay salary increases granted personnel by the Legislature.

Committee on Finance and Taxation.

By Mr. Peden:

S. 205. To authorize Alabama Public School and College Authority to sell and issue two hundred million dollars (\$200,000,000) aggregate principal amount of additional bonds for capital improvements for public educational purposes including libraries, laboratories and facilities for athletics, recreation and physical education, and research facilities, including the acquisition of land, including colleges and universities, vocational-technical institutes, junior colleges, elementary-secondary school systems and special schools; to provide for details of the said bonds and for the public sale thereof; to make an appropriation and pledge for payment of the principal of and interest on the bonds of proceeds from specified excise taxes to the extent necessary to pay the said principal and interest at their respective maturities; to authorize the Authority to pledge for payment of the principal of and interest on the bonds the moneys so appropriated and pledged; to provide that the bonds shall be limited obligations of the Authority payable solely out of the funds so appropriated and pledged and will not create a debt or obligation of the state; to provide that the bonds and the income therefrom shall be exempt from taxation in this state and the bonds may be used to secure deposits of funds of this state and its political subdivisions, instrumentalities and agencies, and for investment of fiduciary funds; to authorize the issuance by the Authority of refunding bonds for the purpose of refunding the principal of any then outstanding bonds theretofore issued by either the Authority or Alabama Education Authority or both, and the expenses of such refunding and any premiums necessary to retire those so refunded; to provide that after payment of the expenses of the issuance of the bonds the proceeds from the sale thereof shall be disbursed on orders or warrants issued by or under the direction of the Authority for purposes for which they are authorized to be issued; and to provide that if any portion of this Act should be held invalid such holding shall not affect the validity of any other portion thereof.

Committee on Finance and Taxation.

By Mr. Goodwin:

S. 206. To reorganize the Executive Department of state government; to express the public policy of the State regarding the structure and functions of the Executive Department, and to state the intent of the Legislature concerning the reorganization of the Executive Department, the establishment of new executive offices, the orderly transfer of certain enumerated agencies or the functions of such agencies to such executive offices, the effect of such reorganization on existing agencies of the Executive Department and their employees, the establishment in the future of executive offices or agencies, and the assignment or transfer of powers, duties, and functions of existing agencies, or agencies hereinafter created, to the executive offices of agencies established hereafter; to define certain terms, and to provide a uniform nomenclature for the internal structure of executive offices established in the Act; to list the Constitutional, elective, and executive offices which compose the Executive Department, except as may be otherwise provided by law; to limit the number of executive offices within the Executive Department to fifteen and to provide for the future assignment of agencies or functions to the executive offices established herein; to establish within each executive office established herein the position of Secretary; to enumerate the powers, duties, and functions of Secretaries of executive offices; to provide that Secretaries of executive offices shall perform their functions under the

general control and supervision of the Governor; to provide that certain officers may be appointed for the executive offices established herein, including Deputy Secretaries, directors, supervisors, chiefs, and legal counsel; to provide that certain officers shall obtain commissions before entering upon and exercising the duties of their respective offices; to provide for the oath of office and official bond of certain enumerated officers of the executive offices established herein; to provide salaries for officers and employees of executive offices; to specify those officers and employees of executive offices who are subject to the State merit system law; to enumerate those officers of executive offices subject to impeachment; to provide for the transfer for administrative purposes of existing agencies of the Executive Department to the executive offices established herein; to provide that such agencies shall continue to perform their statutory functions under the supervision of the executive office to which they are transferred, except in the case of certain examining and licensing agencies and agencies authorized to issue bonds or other evidences of indebtedness; to specify those services which the executive office may perform for an agency transferred to it for administrative purposes; to provide for the transfer of the effects and the employees of agencies transferred for administrative purposes; to define the effect of such transfer on the obligations and debts of such agencies and the ability of such agencies, the State, or its executive offices, to comply with federal laws concerning federal assistance to any of them; to provide for the transfer of existing agencies and their statutory functions to an executive office established herein; to provide that any agency so transferred shall continue to exist as an advisory agency or advisory council within the executive office to which it is transferred; to provide for the effect of such transfer on the performance of the statutory functions transferred, the filing of certain financial information, the pending business of any agency so transferred, the obligations and debts of any such agency, and the ability of any such agency, the State, or its executive offices to comply with federal laws concerning federal assistance to any of them; to provide for the transfer of the effects and the employees of any agency so transferred; to provide for the abolition of existing agencies and the transfer of their statutory functions to an executive office established herein; to provide for the effect of such abolition and transfer on the performance of the statutory functions transferred, the pending business of any abolished agency, the obligations and debts of any abolished agency, and the ability of the State, or its executive offices, to comply with federal laws concerning federal assistance to any of them or to any agency so abolished; to provide for the transfer of the effects and the employees of any agency so abolished; to provide that existing agencies may be abolished and that their statutory functions shall cease to exist; to provide for the effect of such abolition on the pending business of any such agency, its obligations, and its effects; to provide that civil and criminal actions pending on October 1, 1979, shall not be affected by this Act, except as specifically provided herein; to provide for employees of the State affected by this Act; to provide for other effects of this Act on the holders of bonds and obligations issued before October 1, 1979, and the parties to contracts and other agreements entered into before October 1, 1979; to continue lawfully adopted rules and regulations of certain agencies; to provide that the Governor may replace any state officer whose position is not continued by this Act and who is a member of an agency continued or transferred by this Act; to provide that the Governor shall be responsible for formulating and implementing a transition plan which carries out the provisions and purposes of this Act; to require the cooperation of all existing agencies of the Executive Department with the Governor in implementing this Act; to provide that the Legislature shall be furnished certain information pertaining to the reorganization of the Executive Department; to ap-

propriate specified sums to the Office of the Governor to implement this Act; to provide that the transfer of agencies and functions of agencies as provided herein shall be effective on October 1, 1979; to provide for a Cabinet; to specify its members and assign it certain advisory functions; to provide for the continuation of any agency of the Executive Department existing on the effective date of this Act, except as otherwise provided herein; to specify a short title for this Act; to provide that if any provision of this Act is declared invalid, that such declaration shall not affect the validity of the remainder of the Act; to repeal all laws or portions of laws in conflict with this Act; to provide an effective date for this Act; to establish in the Executive Department the following executive offices: Office of Administration; Office of Business Regulation; Office of Economic and Community Development; Office of Forestry Services; Office of Human Resources; Office of Labor; Office of Military Affairs; Office of Natural Resources; Office of Prisons and Rehabilitation; Office of Protection and Law Enforcement; Office of State Enterprises; Office of Transportation; to provide for the transfer of certain enumerated agencies to these executive offices by a specified method of reorganization; to establish within the Office of the Governor and otherwise to provide for the position of Director of Management and Administrative Planning; to establish within the Office of Human Resources the Department of Public Health; to transfer the statutory functions of certain enumerated agencies to other enumerated agencies and to abolish some transferred agencies; to provide that the Governor may by executive order abolish or transfer certain enumerated agencies established by executive order to specified executive offices and by a specified method of reorganization; to abolish certain agencies; and to repeal specifically the following Acts or provisions thereof: Act No. 514 enacted at the 1963 Regular Session of the Legislature; Section 3 of Act No. 712 enacted at the 1951 Regular Session of the Legislature; Sections 6 and 7 of Act No. 226 enacted at the 1965 Regular Session of the Legislature; Section 4(c) of Act No. 2059 enacted at the 1971 Regular Session of the Legislature; Section 5 of Act No. 582 enacted at the 1963 Regular Session of the Legislature; Act No. 1115 enacted at the 1969 Regular Session of the Legislature; Section 5 of Act No. 47 enacted at the 1955 Regular Session of the Legislature; Sections 4 and 5 of Act No. 103 enacted at the 1955 Regular Session of the Legislature; Act No. 92 enacted at the 1965 First Special Session of the Legislature; Section 32 of Act No. 1049 enacted at the 1969 Regular Session of the Legislature; Section 5 of Act No. 673 enacted at the 1947 Regular Session of the Legislature; Act No. 889 enacted at the 1953 Regular Session of the Legislature; Sections 3 and 6 of Act No. 446 enacted at the 1966 Special Session of the Legislature; Section 4 of Act No. 394 enacted at the 1957 Regular Session of the Legislature.

Committee on State Government.

By Mr. Bank:

S. 207. To exempt the state headquarters only of the American Legion, the American Veterans of World War II, Korea and Viet Nam (a/k/a "AM-VETS"), the Disabled American Veterans, and the Veterans of Foreign Wars (a/k/a VFW) from the payment of all state, county and municipal sales and use taxes.

Committee on Finance and Taxation.

By Mr. Bank:

S. 208. To amend Sections 3, 4, 5 subsection (c), Section 7 subsection (c), and Section 8 of Act No. 863, 1975 Regular Session, approved October 7,

1975, which established the Alabama Firefighters' Personnel Standards and Education Commission, so as to provide further for the Executive Secretary and clerical assistants of the Commission, to provide that the members of this Commission shall receive per diem for each meeting plus travel expenses as provided by state travel law, to provide a quorum shall be a majority of the members, to provide the employment of an Assistant to the Executive Secretary as duties and functions may require, to correct reference in Section 8 to read "Section 7", and to further provide a 12 months period for applicant to complete 240 hours training.

Committee on Finance and Taxation.

By Mr. Bank:

S. 209. To amend Section 1 of Act No. 352, H. B. 576 of the 1977 Regular Session (Acts of 1977, p. 470; now appearing in Code of Alabama 1975, Section 41-21-1) so as to add tax collectors, tax assessors and license commissioners to the list of individuals and agencies receiving free state copies of the Code of Alabama 1975.

Committee on Finance and Taxation.

By Mr. Bank:

S. 210. To amend Section 347(a) and Section 350(a) of Title 22, Code of Alabama, 1940, to define the respective jurisdictions of the County and Municipal Governments with relation to Solid Waste collection and disposal.

Committee on Health and Welfare.

By Mr. Bank:

S. 211. To provide for the payment of tuition and the cost of textbooks for an undergraduate student in a state college, junior college, or university, who is the child of a law enforcement officer or fire fighter killed in line of duty; to create a Tuition Eligibility Board to administer the provisions of the Act, and to prescribe its composition, duties and responsibilities; to appropriate necessary funds from the Special Education Trust Fund.

Committee on Finance and Taxation.

By Mr. Noonan:

S. 212. To amend Section 40-18-15, Code of Alabama 1975, to allow as a deduction contributions made by individuals for themselves and others under a stock bonus, pension, profit-sharing or annuity plan which constitutes a qualified plan, and for themselves, or spouse, to an individual retirement account, annuity or bond; to further amend Section 40-18-25, Code of Alabama 1975, to exempt from taxation the income (including capital gains) of certain employee benefit trusts forming part of a stock bonus, pension, or profit-sharing plan which constitutes a qualified trust and of individual retirement income trusts and custodial accounts, and to provide for the "rollover" of distributions from such trusts and accounts; to amend Section 40-18-35, Code of Alabama 1975, to allow as a deduction contributions made by corporations (including professional corporations and professional associations) under a stock bonus, pension, profit-sharing or annuity plan which constitutes a qualified plan; all as provided by the Internal Revenue Code of 1954 as amended and in force and effect on January 1, 1977 and for all taxable years of such individuals, trusts, accounts, and corporations beginning on and after the effective date of this Act to the extent such deductions, exemp-

tions and "rollovers" are permitted by the Federal Income Tax Law as so amended.

Committee on Finance and Taxation.

By Mr. Noonan:

S. 213. Providing for the issuance of a certificate of birth by the state registrar of vital statistics of any child who was born outside the United States or its possessions and adopted, heretofore or hereafter, by an order of a court in this state.

Committee on Judiciary.

By Mr. Noonan:

S. 214. To appropriate the sum of One Million Seven Hundred Seventy-three Thousand Dollars (\$1,773,000.00), or so much thereof as may be necessary, from the general fund of the state to the Department of Conservation and Natural Resources, Division of State Parks, Monuments and Historical Sites, for the purpose of acquiring, by purchase or condemnation, approximately eight and one-half (8-½) miles constituting the westernmost part of Dauphin Island, Mobile County, Alabama; to authorize the use of any available federal matching funds for the purchase of said property; and to further provide that after the purchase of said property by the state, the property may only be used in a dual capacity, one portion as a public beach and park, and a second portion as an undeveloped, natural fishing, camping and hiking area.

Committee on Finance and Taxation.

By Mr. Noonan:

S. 215. To amend Section 2 of Act No. 474, H. 202, of the 1961 Regular Session of the Legislature of Alabama entitled "An Act providing for the relocation of utility facilities when necessitated by Federal-aid highway system projects; providing for the payment of the costs of such relocations by the State as highway construction costs upon Federal participation and Federal funds being actually collected by the State; prescribing the authority of the State Highway Director in regard thereto; providing for the method of paying or reimbursing said utilities; and repealing all conflicting laws."

Committee on State Government.

By Mr. Noonan:

S. 216. To further amend Section 1 of Act No. 217, S. 23 of the 1967 First Special Session (Acts 1967, Vol. I, p. 259), as amended, which act relates to competitive bidding and the expenditure of public funds, so as to include the Alabama state docks department in the provisions of the act which excludes them from the requirement of competitive bids where the amount is less than \$2,000.00.

Committee on Seaports and Inland Waterways.

By Mr. Owen:

S. 217. To further amend Section 8 of Act No. 2, H. 47, Regular Session of 1945, (Gen. Acts of 1945, P. 20), as amended, to provide for the allocation and distribution of a portion of the tax collected on oil or gas wells located within the joint police jurisdictions of various municipalities.

Committee on Finance and Taxation.

By Mr. Goodwin:

S. 218. To abolish rights of action for personal injury, death, or property damage sustained or aggravated by reason of a defective product or failure to warn or to properly instruct with respect to such product where such personal injury, death, or property damage is sustained or aggravated more than six (6) years after the manufactured product was purchased or more than eight (8) years after the date the product was manufactured (but in no case longer than eight (8) years) otherwise obtained for use by a consumer; to provide for the severability of this Act; and to provide the manner in which this bill becomes law.

Committee on Business and Labor Relations.

By Mr. Mims:

S. 219. To provide bidding procedures and contents thereof in connection with licensing of motion pictures, to provide that once bids are solicited, the distributor may license the picture only by bidding, to prohibit the practice of "blind bidding" and to provide penalties for violation of this Act, including damages and attorneys fees.

Committee on Judiciary.

By Mr. Powell:

S. 220. To prohibit the obtaining of or attempting to obtain certain releases of liability or statements from injured persons within fifteen days from the date of the occurrence causing the injury, and to prohibit the use of such releases and statements in evidence in any court.

Committee on Judiciary.

By Mr. Mims:

S. 221. Relating to the manufacture and distribution of commercial feeds; requiring licensing of manufacturers of commercial feeds; requiring the labeling of such feeds; prohibiting the adulteration or misbranding of any commercial feeds; providing for the inspection of such feeds; authorizing the commissioner of agriculture and industries to promulgate certain rules and regulations for enforcement of the act; providing penalties for violations; and repealing Sections 56-68, Title 2, Code of Alabama 1940.

Committee on Agriculture.

By Mr. Goodwin:

S. 222. To establish a statute of limitations for any action brought against a manufacturer or seller of any manufactured product for the recovery of damages for personal injury, death, or property damage sustained or aggravated by reason of a defective product or failure to warn or properly instruct with respect to such product; to provide for the repeal of inconsistent laws or parts of laws; and to provide for the severability of this Act, and to provide the manner in which this bill shall become law.

Committee on Judiciary.

By Mr. Noonan:

S. 223. To require a notification procedure for the issuance by counties, cities, towns, municipalities and public corporations of industrial revenue bonds under Act No. 178 enacted at the 1961 Extra Session of the Alabama Legislature (1961 Acts, p. 2147, et seq.), as amended (relating to industrial revenue bonds to be issued by counties), Act No. 756, enacted at the 1951 Regular Session of the Alabama Legislature (1951 Acts, p. 1307, et seq.) as amended (relating to industrial revenue bonds to be issued by municipalities), Act No. 648, enacted at the 1949 Regular Session of the Alabama Legislature (1949 Acts, p. 991, et seq.) as amended (relating to industrial revenue bonds to be issued by industrial development boards), Act No. 516, enacted at the 1955 Regular Session of the Alabama Legislature (1955 Acts, p. 1160, et seq.) as amended (relating to industrial revenue bonds to be issued by medical clinic boards), Act No. 4, enacted at the 1956 Second Special Session of the Alabama Legislature (1956 Acts, p. 240, et seq.), as amended (relating to industrial revenue bonds to be issued by certain municipalities to finance hotel and motel projects), Act No. 337 enacted at the 1971 Third Extra Session of the Alabama Legislature (1971 Acts, p. 4625, et seq.) (relating to industrial revenue bonds to be issued by certain municipalities to finance hotels and motels projects), to provide, in addition to their present functions and duties, the functions and duties of the Alabama Securities Commission and its Director (established under Act No. 740 enacted at the 1969 Regular Session of the Alabama Legislature, Acts of 1969, p. 1316, et seq. with respect to such industrial revenue bonds, to establish and provide for the membership, functions and duties of the State Industrial Revenue Bond Advisory Council; to authorize the issuance of stop orders by the Alabama Securities Commission and/or the Director delaying or prohibiting the issuance of industrial revenue bonds; to provide for certificates of notification by the Director, the effect of such certificate, and a remedy for failure or refusal of the Director to issue such certificate; to provide for the assessment of filing fees by the Securities Commission; to provide criminal penalties for willful violations of this act or stop orders issued thereunder; and to provide relief from stop orders of the Director by readoption by the governing body of the issuer of the authorizing proceedings, or from stop orders issued by the Alabama Securities Commission by judicial validation under Section 6-6-750, et seq., of the Code of Alabama, 1975, as amended (relating to the judicial validation of securities issued by counties, cities and towns) and Act No. 859 of the 1953 Regular Session of the Alabama Legislature (Acts of 1953, p. 1148, et seq. (relating to the judicial validation of securities issued by boards and public corporations) and as supplemented in this act for proceedings hereunder, and relief from stop orders of the Council by such judicial validation.

Committee on Local Government.

By Mr. Noonan:

S. 224. To amend Sections 8, 10, 14, 18, 19, 20, 21, 22, and 24 of Act No. 576, Acts of Alabama, 1959 Regular Session, as amended, pertaining to the registration and operation of vessels on the waters of this State.

Committee on Seaports and Inland Waterways.

By Mr. Noonan:

S. 225. To create in the State of Alabama a "Joint Advisory Board of Family Practice" to further the supply of competent family physicians; to

provide for the Board's membership number and selection; and to establish the duties and authorities of the Advisory Board.

Committee on Health and Welfare.

By Mr. Noonan:

S. 226. To authorize a transfer between certain funds of the State Docks Department, amending Section 15 of Act No. 311, H. 253, approved August 20, 1957, an act providing for development of inland docks (Acts of Alabama 1957, Vol. I, P. 408), and providing that the amendment shall have retroactive effect.

Committee on Seaports and Inland Waterways.

By Mr. Noonan:

S. 227. To amend further Section 1, of Act No. 530, H. 635 of the 1949 Regular Session (Acts 1949, p. 835), which act relates to public health and licensure of hospitals, so as to further prescribe regulations therefor and clarify and expand the definitions.

Committee on Health and Welfare.

By Mr. Noonan:

S. 228. To amend further Section 9 of Act No. 1403, H. 46, 1971 Regular Session of the Alabama Legislature (1971 Acts, p. 2363), as amended, which provides for the regulation, inspection and payment of an inspection fee on certain petroleum products so as to provide that there shall be no inspection fee on lubricating oil, kerosene, and diesel fuel used in connection with the operation of boats, yachts, ships or other maritime vehicles.

Committee on Seaports and Inland Waterways.

By Mr. Noonan:

S. 229. To amend further Section 3 of Act No. 96, H. 17, First Special Session 1971 (Acts 1971, p. 166), which levies and regulates a privilege tax against persons engaged in the business of leasing or renting tangible personal property, so as to further provide for exemptions from the computation of the amount of the tax levied.

Committee on Finance and Taxation.

By Mr. Noonan:

S. 230. Relating to the employees' retirement system of Alabama; providing further for allowable earnings for certain retirees thereof who are employed by any governmental, public or quasi-public agency or entity; and repealing any conflicting laws.

Committee on Health and Welfare.

By Mr. Noonan:

S. 231. Relating to the Retirement Systems of Alabama; providing for the remedy of certain inequities and the clarification of ambiguities in the retirement laws of Alabama; and providing statutory notice of existing administrative practices, rules and regulations of the Boards of Control of the Retirement System of Alabama.

Committee on State Government.

By Messrs. Noonan and Roberts:

S. 232. Relating to all counties having a population of not less than 300,000 nor more than 600,000 according to the 1970 or any subsequent Federal decennial census; providing an expense allowance for the county treasurer, payable from county funds.

Committee on Local Legislation No. 1.

By Mr. Noonan:

S. 233. To provide for an annual report by the Governor to the members of the legislature stating his administration's policies and goals on certain subjects.

Committee on State Government.

By Mr. Goodwin:

S. 234. To amend Section 41-9-452 of the Code of Alabama 1975 so as to further define the authority of the Sports Hall of Fame.

Committee on State Government.

By Mr. Goodwin:

S. 235. To make a conditional appropriation from the general fund to the sports hall of fame at the Civic Center in Birmingham.

Committee on Finance and Taxation.

By Mr. Goodwin:

S. 236. To provide that any person who produces, displays, disseminates, or possesses with intent to disseminate obscene matter displaying or depicting children under the age of seventeen years engaged in lewd sexual activity or any parent or guardian who knowingly permits their child to be depicted therein shall be guilty of a felony and punished as provided herein, to provide a method of proof that such child is under the age of seventeen, to provide that possession of six or more copies of the same obscene material is prima facie evidence of intent to disseminate the same and to provide for the forfeiture and condemnation of certain property used in or related to the defined crimes, and to provide definitions for its provisions.

Committee on Judiciary.

By Mr. Noonan:

S. 237. To amend the Title and Sections 1, 3, 4 and 6 of Act No. 703 enacted at the 1976 Regular Session of the Legislature of Alabama to increase the aggregate principal amount of revenue bonds therein authorized to be issued by the Alabama State Docks Department, to increase the maximum amount of and otherwise provide for the special processing charge therein created to pay the principal of and interest on the revenue bonds authorized therein, and to provide for the sale and issuance by the Department of refunding bonds.

Committee on Seaports and Inland Waterways.

By Mr. McDonald (S):

S. 238. Relating to the financing of state government; providing for

the reallocation each fiscal year of a certain sum of money from the Special Educational Trust Fund to the State General Fund and providing that such reallocations shall be conditional upon a guarantee of a certain amount of increased revenues for the Special Educational Trust Fund each year.

Committee on Finance and Taxation.

By Messrs. Owen, Gilmore, Noonan, Jones, Goodwin, Mims, Adams, Perry, McMillan, Clemon and Pearson:

S. 239. To establish a student assistance program in the State of Alabama to be known as the Alabama Student Grant Program, which will provide for state grants, on behalf of and to the credit of eligible students who are bona fide residents of Alabama, to be paid to certain approved institutions of postsecondary education in Alabama; to set forth legislative findings and purposes underlying the Program; to provide for the grants payable under the program; to designate the Alabama Commission on Higher Education to administer the Program; to vest the Alabama Commission on Higher Education with the powers and duties reasonably needed for the effective implementation and administration of the Program; to establish various procedures and requirements concerning the availability of grants, applications for grants, approval and award of grants, renewal of grants, and revocation of grants; to prohibit the use of grants for religious or sectarian purposes and to prohibit the use of money raised for the support of public schools to support schools of a predominantly sectarian or denominational character; to provide for periodic auditing of approved institutions; to provide for periods when there may be insufficient funds to provide such eligible student with a full grant for the terms requested; to provide a penalty for false statements or misrepresentations in connection with the procurement of grants; to make an appropriation funding the program from the Special Education Trust Fund; to provide for severability; to repeal conflicting laws; and to provide an effective date.

Committee on Finance and Taxation.

By Mr. St. John:

S. 240. To amend Section 32-9-20, Code of Alabama 1975 which section regulates the size of motor vehicles allowed to travel on the public highways of this state, so as to further regulate the size of certain motor vehicles and to allow certain bulldozers to move along the highways.

Committee on Commerce, Transportation,
and Utilities.

By Mr. St. John:

S. 241. To provide for county law libraries in each county, and for the personnel, space, funding, operation, and maintenance thereof, making said law libraries part of a loose network with the other law libraries in the state for their mutual benefit; permitting present county law libraries to come under the provisions of this act if they elect to do so.

Committee on Judiciary.

By Mr. St. John:

S. 242. To amend Act No. 281 adopted at the 1969 Regular Session of the Legislature of Alabama relating to the promotion of safe transportation of pupils to and from schools and in school related activities; to directing the

state board of education to prescribe certain rules and regulations designed to promote this purpose; to the provision of school transportation managers or supervisors; to prescribing certain equipment for school buses; to the provision for safety inspection of school buses; to the provision for special training and licensing of school bus drivers; and to the prescribing of penalties.

Committee on Education.

By Messrs. Gilmore, Wilson, Miller and Goodwin:

S. 243. To prescribe the annual salary of the Commissioner of Agriculture and Industries and to provide for the effective date of this Act.

Committee on State Government.

By Mr. Gilmore:

S. 244. Amending Act No. 1205, S. 400, 1975 Regular Session (Acts of 1975, p. 2384; now appearing in Code of Alabama, Recompiled 1958, Title 13A, Sections 1-101-18-103), relating to the implementation of the judicial article of the Alabama Constitution; so as to provide that at the request of the complaining party, any civil action based on unlawful detainer shall be placed on the small claims docket of each district court.

Committee on Judiciary.

By Mr. Gilmore:

S. 245. Amending a section of the code relating to third party actions by employees covered by the Alabama workmens compensation laws, so as to provide that primary contractors and subcontractors of an injured employee's employer shall not be made a defendant in any action for recovery of damages for any injury or death for which compensation is payable under Alabama workmens compensation laws.

Committee on Business and Labor Relations.

By Mr. St. John:

S. 246. To provide that any person who produces, displays, disseminates, or possesses with intent to disseminate obscene matter displaying or depicting children under the age of seventeen years engaged in lewd sexual activity or any parent or guardian who knowingly permits their child to be depicted therein shall be guilty of a felony and punished as provided herein, to provide a method of proof that such child is under the age of seventeen, to provide that possession of six or more copies of the same obscene material is prima facie evidence of intent to disseminate the same and to provide for the forfeiture and condemnation of certain property used in or related to the defined crimes, and to provide definitions for its provisions.

Committee on Judiciary.

By Messrs. Gilmore, Wilson, McMillan, Pearson, Ellis and Clemon:

S. 247. To appropriate from the Alabama Special Educational Trust Fund the sum of eighteen million eight hundred thousand (\$18,800,000.00) dollars for capital outlay and renovation purposes at the University of Alabama in Birmingham for the fiscal year beginning on October 1, 1978.

Committee on Finance and Taxation.

By Messrs. Gilmore, Vacca and Wilson:

S. 248. To amend Act No. 760, H. 176, Regular Session 1967, which Act provided for a supplemental appropriation of \$100.00 from the Special Education Trust Fund for each American Legion and American Legion Auxiliary scholarship awarded; in order to extend the number of such scholarships.

Committee on Finance and Taxation.

By Mr. Adams:

S. 249. Proposing an amendment to the Constitution of Alabama of 1901 relative to the fees and compensation of the judge of probate of Henry County.

Committee on Local Legislation No. 1.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Adams:

S. 250. Relating to any county having a population of not less than 13,200 nor more than 13,800 according to the 1970 or any subsequent federal decennial census; and providing for the compensation of the probate judge in any such county.

Committee on Local Legislation No. 1.

By Mr. Adams:

S. 251. To establish minimum eyesight requirements for school bus drivers; to require all school bus drivers to submit to annual eyesight examinations.

Committee on Education.

By Mr. Adams:

S. 252. To establish minimum eyesight requirements for licensing drivers of motor vehicles, to require all ophthalmologists and optometrists to report to the Department of Public Safety the name of any person who, upon examination, is discovered to have vision of 20/100 or worse in one or both eyes; and requires the Director of the Department of Public Safety to revoke the license of any person, so reported, whose vision in both eyes cannot be corrected to 20/40.

Committee on Judiciary.

By Mr. Adams:

S. 253. To amend further Act No. 2141, H. 2561, 1971 Regular Session (Acts 1971, p. 3431), entitled, "An Act To provide for and prescribe the form of government of all cities having populations of not less than 35,000 nor more than 37,000," so as to provide further for the disclosure of campaign contributions and expenditures made in relation to city elections; and to remedy a possible defect in the title of said Act.

Committee on Local Legislation No. 1.

By Mr. Adams:

S. 254. To establish minimum eyesight requirements for licensing

drivers of motor vehicles; to require all such licensed drivers sixty years of age or older to submit to an eyesight examination by the Department of Public Safety every four years; to provide that failure to submit to an eyesight examination shall result in the automatic suspension of such persons drivers license and to provide for the revocation of the drivers license of any person who fails the eyesight examination and whose vision in both eyes cannot be corrected to 20/40.

Committee on Judiciary.

By Mr. Adams:

S. 255. To amend Section 16-25-14, Code of Alabama 1975, relating to teachers' retirement system benefits so as to provide a minimum service retirement allowance of \$500.00 per month to certain teachers.

Committee on Education.

By Mr. Fine:

S. 256. Amending further Act No. 494, S. 927 of the 1971 Regular Session, as amended, (Acts 1971, Vol. II, p. 1207), relating to the issuance of pistol permits by the sheriffs in all counties having populations of not less than 23,900 nor more than 24,450 inhabitants according to the 1970 or any subsequent federal decennial census, so as to increase the fee and provide further for the distribution and use of such fees.

Committee on Local Legislation No. 1.

By Mr. Fine:

S. 257. To amend 1975 Code of Alabama, Section 28-3-16; so as to prohibit the advertising of alcoholic beverages by billboards in "dry" counties; and to permit such advertising in "wet" counties.

Committee on Finance and Taxation.

By Messrs. King, St. John, McDonald (S) and McDonald (A):

S. 258. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, relating to impeachments; to repeal and supersede Article VII and all other conflicting provisions of said constitution, as amended.

Committee on Constitution and Elections.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Fine:

S. 259. To create the Alabama Code of Military Justice as Chapter 2A of the Military Code found in Sections 31-2-1 through 31-2-133 of the 1975 Code of Alabama; to amend Section 31-2-72 of the Military Code of the 1975 Code of Alabama, so as to limit the tenure of general officers; and to repeal Sections 31-2-17, 31-2-18, 31-2-19, 31-2-20, 31-2-27, 31-2-50, 31-2-83, 31-2-92 through 31-2-107 and 31-2-127 of the Military Code of the 1975 Code of Alabama.

Committee on State Governemnt.

By Messrs. King, St. John, McDonald (S) and McDonald (A):

S. 260. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, relating to the mode of amending the Constitution; to repeal, supersede and renumber Article XVIII and Amendment No. 24 of said Consitution and all other conflicting provisions thereof.

Committee on Constitution and Elections.

The above Bill was read a first time at length as required by the Constitution.

By Mr. McMillan:

S. 261. To make an appropriation of \$870,000 to the Department of Public Health for the procurement, construction and equipping of a Clinical Laboratory in Jefferson County.

Committee on Finance and Taxation.

By Mr. Perry:

S. 262. To provide that delivery personnel of any corporation, agency or business which charges a fee from patrons or customers for the purpose of delivering mail must use sidewalks and must not traverse lawns or other private property not normally used as a walkway.

Committee on State Government.

By Mr. Shelby:

S. 263. To create the "Alabama Crime Victim's Compensation Commission", to review and determine the validity of claims of certain innocent victims of crimes and award compensation therefor; to establish the membership, powers and duties of the commission; to provide for judicial review; to provide the right of subrogation and restitution actions; to provide that any offender automatically forfeits all rights and interests in any property rights, funds or future interests which are a result, directly or indirectly, or the crime and to make the distribution therefrom; to remove the statute of limitation on any property judgment subject thereto; to provide penalties for fraudulent claims; and to provide that the effective date shall be contingent on federal legislation appropriating funds to the states for crime victim compensation or award programs.

Committee on Judiciary.

By Mr. Shelby:

S. 264. Relating to counties having a population of not less than 115,000 nor more than 150,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide that any defendant in a criminal case represented by counsel may enter a written plea of not guilty prior to his arraignment, and any such plea shall constitute a waiver of his right to have an arraignment at which he is present in person or represented in person by an attorney.

Committee on Local Legislation No. 1.

By Mr. Shelby:

S. 265. To amend Section 120 of Act 407, H. B. 198, Regular Session

1971, (Acts of Alabama 1971, Volume II, Page 774), as amended, which regulates the licensing of insurance agents, by imposing the requirement of satisfactory completion of a pre-qualification course prior to taking the written examination as provided in Section 120, paragraph (8).

Committee on Insurance.

By Mr. Shelby:

S. 266. To amend Act No. 754, S. 231, Regular Session 1976 (Acts 1976, p. 1038), relating to certain alternative sentencing of convicted offenders, so as to provide further for the period of time for which an offender may be incarcerated.

Committee on Judiciary.

By Mr. Shelby:

S. 267. To amend Code of Alabama, 1975, Section 36-25-4, so as to empower the state ethics commission to subpoena witnesses and documents, compel testimony and perform other acts related to taking evidence.

Committee on Judiciary.

By Mr. Shelby:

S. 268. To provide that any defendant represented by counsel in a criminal case may enter a written plea of not guilty prior to his arraignment, and that such plea shall constitute a waiver of his right to have an arraignment at which he is present in person or represented in person by an attorney.

Committee on Judiciary.

By Messrs. King, St. John, McDonald (S) and McDonald (A):

S. 269. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, relating to the legislative department of state government; to repeal specifically the following Sections thereof: 49, 57, 69, 74, 75, 77, 84, 85, 86, 87, 90, 92, 102, 103, 109 and 238; to amend and supersede the following Sections: 44, 45, 46, 47, 48, 51, 52, 535, 54, 55, 56, 58, 59, 61, 62, 63, 64, 66, 67, 70, 71, 72, 73, 76, 83, 104, 105, 106, 107, 110, and 111, and Constitutional Amendments No. 39, 57, 97, 159, and 339, and to supersede and repeal all other conflicting provisions thereof.

Committee on Constitution and Elections.

The above Bill was read a first time at length as required by the Constitution.

By Messrs. King, St. John, McDonald (S) and McDonald (A):

S. 270. To propose and provide for the submission of a constitutional amendment reaffirming the preamble to the Constitution of Alabama and to revise Article I thereof, which Article asserts the Declaration of Rights; and for the repeal of Article I of the Constitution of Alabama of 1901, as amended.

Committee on Constitution and Elections.

The above Bill was read a first time at length as required by the Constitution.

By Messrs. King, St. John, McDonald (S) and McDonald (A):

S. 271. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, relating to the mode of amending the Constitution; to repeal and supersede Article XVIII and Amendment No. 24 of said Constitution and all other conflicting provisions thereof.

Committee on Constitution and Elections.

The above Bill was read a first time at length as required by the Constitution.

By Messrs. King, St. John, McDonald (S) and McDonald (A):

S. 272. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, to be numbered Article XI thereof, relating to public officers; to supersede the following provisions of the Constitution of Alabama of 1901, as amended: Sections 60, 96, 104(24), 130, 279, 280 and 281 and Amendments No. 2, 4, 26A, 28, 43, 44, 46, 47, 48, 50, 62, 64, 85, 88, 92, 103, 127, 134, 135, 136, 137, 138, 139, 185, 196, 215, 229, 231, 246, 241, 249, 265, 290, 297, 306, 321 and 326; and to repeal all conflicting provisions of said constitution and amendments thereto.

Committee on Constitution and Elections.

The above Bill was read a first time at length as required by the Constitution.

By Messrs. King, St. John, McDonald (S) and McDonald (A):

S. 273. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, relating to suffrage and elections; repealing and superseding Article VIII of the Constitution of Alabama of 1901 including Sections 177 through 196 inclusive, as amended, and Amendments No. 10, 14, 41, 49, 90, 96, 109, 207, 223, 285, and 322 and all other conflicting provisions of said constitution.

Committee on Constitution and Elections.

The above Bill was read a first time at length as required by the Constitution.

By Messrs. King, St. John, McDonald (S) and McDonald (A):

S. 274. To propose and provide for the submission of an amendment to the Constitution of Alabama relating to representation, the procedure for legislative reapportionment and congressional redistricting; repealing and superseding Sections 50, 197, 198, 199, 200, 201, 202 and 203 of the Constitution of Alabama of 1901, as amended, and all other conflicting provisions thereof.

Committee on Constitution and Elections.

The above Bill was read a first time at length as required by the Constitution.

By Messrs. King, Vacca and Mims:

S. 275. Relating to Medicaid fiscal agents; providing that no private health insurance company may serve as fiscal agent; further providing that

contracts for fiscal agent shall run for three years; effective October 1, 1978.

Committee on Finance and Taxation.

By Mr. King:

S. 276. To authorize the County Commission or like governing body of each of the several Counties having less than 600,000 population according to the latest Federal census to regulate the minimum size of lots, the planning and construction of all public streets, public roads and drainage structures and require proper placement of public utilities to be located in proposed subdivisions of land or in proposed additions to subdivisions of land existing at the time of the enactment of this Act where such subdivisions are situated outside the corporate limits of any municipality in such county, provided that such placement of public utilities shall not be inconsistent with the Southern Standard Building Code, State and Federal laws and regulations of State and Federal regulatory agencies. To further provide for exercise of jurisdiction by counties over proposed subdivisions within the jurisdiction of municipal planning commissions and to provide for agreement of jurisdiction by counties with affected municipalities.

Committee on Local Government.

By Mr. King:

S. 277. To fix the term of office of each member of the County Commission or like governing body of the several counties of the State of Alabama on a uniform basis at six years; to provide exceptions; to repeal conflicting laws; to provide for severability of any unconstitutional provisions; and to establish an effective date.

Committee on Local Government.

By Mr. King:

S. 278. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, relating to public education in this state; repealing specifically Sections 259, 261, 262, 263, 264, 265, 267, 268 and 270 of said Constitution and repealing and superseding Article XIV and Amendments No. 111, 161 and 284 and all other conflicting provisions thereof.

Committee on Constitution and Elections.

The above Bill was read a first time at length as required by the Constitution.

By Messrs. King, McDonald (A) and Peden:

S. 279. To provide that the Commissioner of the Revenue Department may enter into reciprocal agreements on behalf of the State of Alabama with the duly authorized representatives of any of the States of the United States, the District of Columbia, or a State or Province of a foreign country, or a territory or possession of either the United States or of a foreign country, to provide for the registration of vehicles on an apportionment or allocation basis; to become a member of the International Registration Plan developed by the American Association of Motor Vehicle Administrators; to authorize the Commissioner of the Revenue Department to promulgate and enforce such rules and regulations necessary to carry out such agreements to declare

the provisions of this Act severable; and to set the date upon which this Act will become effective.

Committee on Finance and Taxation.

By Mr. Little:

S. 280. To provide an eligibility for a pay increase to employees of the state and all its agencies, including institutions of higher learning, who pass the certified professional secretary examination.

Committee on Business and Labor Relations.

By Mr. Goodwin:

S. 281. To define certain terms as used in this Act; to exclude certain evidence from actions against manufacturers and sellers arising out of personal injury, death, or property damage allegedly due to defects in a manufactured product; to exclude evidence of advancements in the state of the art in such actions; to exclude evidence of changes made subsequent to an injury, death, or property damage in a product which is the subject of an action against a manufacturer or seller of any similar product; to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this Act; and to provide the manner in which this bill becomes law.

Committee on Judiciary.

By Mr. Little:

S. 282. To name the science-fine arts building at Southern Union State Junior College in honor of A. R. Van Cleave.

Committee on State Government.

By Mr. Little:

S. 283. To require that each city and county board of education reimburse its employees for mileage when said employees are required to travel as a part of their job assignment.

Committee on Education.

By Mr. Baker:

S. 284. To provide protection to certain corporate citizens or residents of Alabama, their shareholders and employees and the public against takeover offers which do not provide full and fair disclosure of all material information, which do not provide adequate time for consideration or which are based upon unfair or inequitable terms; to prescribe regulations to insure such protection; to provide for enforcement of such regulations; to prescribe penalty for violation of such regulations and to provide for review of certain takeovers by the Alabama Supreme Court.

Committee on Judiciary.

By Messrs. Ellis and Perloff:

S. 285. To vest regulatory authority over hazardous waste management in the State Board of Health; to authorize the Board to accept and administer lands to be used as disposal sites for hazardous wastes; to vest perpetual responsibility for such sites in the State; to establish the Hazardous Wastes Technical Advisory Committee; to place certain responsibilities for hazardous waste management upon the Board; to empower the Board to

develop and revise criteria for identifying hazardous wastes and to list such wastes; to empower the Board to adopt and revise rules and regulations, guidelines, criteria and standards; to require permits for hazardous waste management practices and establish procedures for such permitting; to require generators of hazardous wastes to dispose of such wastes in an approved manner; to place certain responsibilities upon generators of hazardous wastes, transporters of hazardous wastes and operators of hazardous waste storage and treatment facilities and disposal sites; to require the use of a manifest; to require the reporting of hazardous wastes generated by the generator; to provide for penalties and remedies; to provide for administration and enforcement; to allow appeal; and to establish the Hazardous Wastes Management Fund and to make appropriations therefrom.

Committee on Health and Welfare.

By Messrs. Ellis, King, Vacca, Jones, McDonald (S), Baker, Noonan, Perry, Wilson, Pearson, Goodwin, Owen, Bank, Teague, McDonald (A) and Mims:

S. 286. Relating to elections and voting in them; providing for the use of electronic voting systems in elections; providing the requirements for these systems; providing that procedures to be used in connection with elections in which these systems are used, including additional procedures for dividing precincts and designating voting places therein; providing election officers for such polling places and prescribing duties and compensation of such election officials.

Committee on Constitution and Elections.

By Mr. Little:

S. 287. To constitute and make it a misdemeanor and to provide penalties for any person to cut down, deaden, girdle, box, distroy, or take away if already cut down, any tree or portion thereof, tree seedling or sapling of any kind or species on or within highway right-of-way in the possession of, or under the control of the state of Alabama highway department; to provide application to those aiding or abetting or who are in any manner an accomplice therein; to provide for testimony to establish right-of-way in the possession of, or under the control of the highway department; and to exempt employees of the highway department from the penalties provided while acting within the line and scope of their employment.

Committee on State Government.

By Mr. Little:

S. 288. To name the Health, Education and Arts Building on the campus of Alexander City State Junior College after W. Byron Causey and to repeal all conflicting statutes.

Committee on State Government.

By Mr. Little:

S. 289. To further amend Section 40-18-15 of the Code of Alabama 1975, as amended, which section relates to individual deductions from state income tax, so as to include in such deductions certain contributions made by self-employed individuals to certain qualified retirement plans; and to provide for retroactive effect to January 1, 1978.

Committee on Finance and Taxation.

By Mr. Little:

S. 290. To amend the Code of Alabama 1975, Section 43-3-1, which provides for the descent and distribution of real estate of an intestate, so as to change the order of succession.

Committee on Judiciary.

By Mr. Little:

S. 291. To provide for the deposit by the various municipalities of this state of municipal funds in demand deposits and in time deposits, open account, in municipal depository banks, and providing a procedure to accomplish such deposits.

Committee on Local Government.

By Mr. Little:

S. 292. To require all churches and other non-profit corporations, associations and foundations operating in this state to report certain annual income in excess of \$3,000 to the state department of revenue. Such organizations shall not report charitable contributions, only "business income" as herein defined exceeding the said amount shall be reported, and providing misdemeanor punishment for failure to comply.

Committee on Finance and Taxation.

By Mr. Little:

S. 293. To provide a state income tax deduction for resident taxpayers for child care expenses incurred when both spouses are gainfully employed on a substantially full-time basis and to provide that such deduction shall be governed by the same rules and regulations as such deduction provided for federal taxpayers under the Internal Revenue Service Code (26 U.S.C.A.214).

Committee on Finance and Taxation.

By Mr. Little:

S. 294. To provide a tax credit not to exceed one thousand dollars (\$1,000.00) in an amount equal to 25% of the cost of equipment used in the taxpayer's principal residence for solar heating, cooling or heating and cooling if the residence is located in Alabama.

Committee on Finance and Taxation.

By Mr. Little:

S. 295. To require city and county boards of education to provide personal liability insurance for bus drivers or any employee required to transport pupils or perform maintenance services for the employing board.

Committee on Education.

By Mr. Little:

S. 296. Relating to taxation; exempting the Auburn Heritage Association, Incorporated, a non-profit corporation, from the levy of all state, county, municipal and local sales tax and use tax.

Committee on Finance and Taxation.

By Mr. Jones:

S. 297. To make further appropriations of State Funds for the fiscal year ending September 30, 1978.

Committee on Finance and Taxation.

By Mr. Baker:

S. 298. To provide for the compensation of certain district attorneys in this state; to provide for a certain county salary supplement in lieu of present expense allowances and supplements for such district attorneys.

Committee on Local Legislation No. 1.

By Mr. Miller:

S. 299. To amend Code of Alabama 1975, Section 34-23-8, which regulates substitution of drugs or brands of drugs by pharmacists by amending such law to allow pharmacists to dispense lower cost generically equivalent drugs in lieu of prescribed brand name legend drugs under certain circumstances, and to prescribe penalties for violation.

Committee on Health and Welfare.

By Messrs. King, St. John, McDonald (S) and McDonald (A):

S. 300. To propose and provide for the submission of an amendment to the Constitution of Alabama.

Committee on Constitution and Elections.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Jones:

S. 301. To amend Code of Alabama, 1975, §5-9-40 through §5-9-43 to authorize any banking corporation or trust company organized under the laws of this State to convert into and merge or consolidate with a national banking association without the approval of any state authority but with the consent of the holders of a majority in amount of its stock, to provide that stockholders' meetings for such purposes be called by resolution of the board of directors, to provide the procedure for notice or waiver of notice to stockholders of such meetings, to provide for the vesting in such national banking association of all of the rights, title to, and interest in the property of such state banking corporation or trust company, and for the exercise by such national banking association of all the rights, duties and obligations of such state banking corporation or trust company in respect to any person, estate, creditor, depositor, trustee or beneficiary of any trust and in respect to any executorship, trusteeship, administration of estate or other similar fiduciary relation, to provide that the rights of dissenting shareholders be governed by the applicable laws of Congress, to entitle dissenting shareholders to receive in cash the value of their shares in the state bank, to provide that general, local or local laws of general application to the contrary notwithstanding any bank a party to a merger, conversion or consolidation may, regardless of the county of location of the principal office of such bank, continue to maintain and operate all banking offices maintained and operated at the time of said

merger, conversion or consolidation and with appropriate regulatory approval, establish additional banking offices in counties where banking offices are maintained at the time of the merger, conversion or consolidation to the extent permitted to banks having their principal or other banking office in such county, to repeal inconsistent laws, and to provide that the provisions of this Act shall be severable.

Committee on Banking.

By Mr. McDonald (S):

S. 302. To provide that full-time employees and executive officers of the Alabama Council for School Administration and Supervision may elect to become members of the Teachers' Retirement System of Alabama; also to provide that said Council and its employees shall assume all costs, both contributory and administrative; and no cost shall devolve upon the state.

Committee on Education.

By Mr. Vacca:

S. 303. To authorize municipalities which retain their municipal courts to retain funds collected as "fair trial tax" and to use such funds to defray the costs of providing representation for indigent defendants in their courts; to require that such municipalities remit to the state treasury any funds collected as "fair trial tax" which are not used in providing representation for indigent defendants in their courts, notwithstanding the provisions of Article 5, Chapter 19, Title 12, Code of Alabama, 1975; to repeal conflicting laws.

Committee on Local Government.

By Mr. Teague:

S. 304. To provide further for the safety of railroad employees; to grant the Alabama Public Service Commission certain powers to enforce the provisions of this Act.

Committee on Commerce, Transportation,
and Utilities.

By Mr. St. John:

S. 305. To provide for the definition of death in cases where respiratory and cardiac functions are maintained by artificial means, to further provide that nothing in the Act shall be construed to prohibit a physician from using customary procedures for determining death in other cases, and to make additional provisions pertaining to the determination of death in those cases in which some part of the body is to be donated for transplantation.

Committee on Judiciary.

By Mr. St. John:

S. 306. Relating to counties having populations of not less than 50,000 nor more than 52,500; to provide additional expense allowances to certain officers.

Committee on Local Legislation No. 1.

By Mr. St. John:

S. 307. To reopen the Employees' Retirement System of Alabama for prior service for certain members in certain counties who are precluded from obtaining credit for such service for reasons other than nonmembership; providing that as a prerequisite to such credit members must, on October 1, 1977, be an active and contributing member of the Employees' Retirement System of Alabama and in the active service of the employer for whom such prior service was rendered; providing that employers participating in the retirement system shall pay such employer costs as are necessary with respect to their employees subject to this Act; and providing that this Act shall take effect October 1, 1977.

Committee on Finance and Taxation.

By Mr. St. John:

S. 308. To provide that the salary of state law enforcement officers and teachers shall be adjusted according to the consumer price index; and to appropriate funds therefor.

Committee on State Government.

By Mr. St. John:

S. 309. To amend Section 35-11-233 of the Code of Alabama, 1975, relating to mechanic's liens and assignment thereof, so as to provide further for the transfer of such liens to security by a deposit of money or bond with the court.

Committee on Judiciary.

RESOLUTION

Messrs. Ellis, Adams, Baker, Bank, Clemon, Edwards, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca and Wilson offered the following Senate Resolution, to-wit:

S. R. 44. WISHING SENATOR PEARSON A HAPPY BIRTHDAY

WHEREAS, Senator J. Richmond Pearson was born on this day, January 10, and he has served his city, county, state, and nation well; we wish to recognize what he means to us on this, his birthday, and;

WHEREAS, Senator Pearson and his lovely wife, the former Juliet Nunn of Birmingham, have two bright and beautiful daughters, Janine and Julene, and;

WHEREAS, Senator Pearson has served as an outstanding trial lawyer in the city of Birmingham, and;

WHEREAS, Senator Pearson has served skillfully as the Assistant United States Attorney, and;

WHEREAS, Senator Pearson is the chairman of the Alabama State Fair Authority, and;

WHEREAS, Senator Pearson is a prominent member of the board of the Goodwill Industries of Alabama, and;

WHEREAS, among his other honors, he is a commendable leader in his church and other civic and charitable organizations;

BE IT RESOLVED BY THE ALABAMA STATE SENATE, ALL SENATORS THEREOF CONCURRING, we wish for you a very happy birthday and many more years of health and prosperity,

BE IT FURTHER RESOLVED, that a copy of this resolution be presented to Senator Pearson that he may know of our esteem and affection for him.

On motion of Mr. Ellis, the Rules were suspended and the Resolution was adopted by the Senate.

RESOLUTIONS

The following Resolutions, having been pre-filed under the provisions of Joint Rule 10, were read and referred to the Standing Committee on Rules, to-wit:

By Mr. Owen:

S. J. R. 1. URGING AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES TO REQUIRE THAT FEDERAL APPROPRIATIONS NOT EXCEED ESTIMATED FEDERAL REVENUES EXCEPT IN AN EMERGENCY

WHEREAS, with each passing year this nation becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenues, so that the public debt now exceeds hundreds of billions of dollars; and

WHEREAS, attempts to limit spending, including impoundments of funds by the President of the United States, have resulted in strenuous objections that the responsibility for appropriations is the constitutional duty of the Congress; and

WHEREAS, the annual federal budget repeatedly demonstrates an unwillingness or inability of both the legislative and executive branches of the federal government curtail spending to conform to available revenues; and

WHEREAS, unified budgets do not reflect actual spending because of the exclusion of special outlays which are not included in the budget nor subject to the legal public debt limits; and

WHEREAS, knowledgeable planning, fiscal prudence, and good sense require that the budget reflect all federal spending and be in balance; and

WHEREAS, fiscal irresponsibility at the federal level, with the inflation which results from this policy, is the greatest threat which faces our nation; and

WHEREAS, constitutional restraint is necessary to bring the fiscal discipline needed to reverse this trend; and

WHEREAS, under Article V of the Constitution of the United States, amendments to the Constitution may be proposed by the Congress whenever two-thirds of both Houses deem it necessary or on the application of the legislatures of two thirds of the States the Congress shall call a Constitutional Convention for the purpose of proposing amendments;

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING THEREIN, that the Congress of the United States prepare and submit to the several states an amendment to the Constitution requiring, in the absence of a national emergency, that the total of all federal appropriations made by the Congress in any fiscal year not exceed the total of the estimated federal revenues, excluding any revenues derived from borrowing, for that fiscal year. That in the alternative, the Congress of the United States call a Constitutional Convention to prepare and submit such an amendment to the Constitution. That this application continue in effect until the will of the Legislature of the State of Alabama to the contrary communicated to the Congress of the United States.

BE IT FURTHER RESOLVED, that the Secretary of State of Alabama transmit certified copies of this resolution to the President of the United States, President of the United States Senate, and Speaker of the House of Representatives, to each member of the Alabama delegation to the United States Congress, and to the presiding officers of each house of the Legislature of the other States of the Union, with the request that it be circulated among leaders in the executive and legislative branches of the state governments.

By Mr. Owen:

S. J. R. 2. URGING THE UNITED STATES SENATE TO VOTE AGAINST RATIFICATION OF THE NEW PANAMA CANAL TREATY

WHEREAS, President Carter has signed the new Panama Canal Treaty which will eventually relinquish United States control over the Canal Zone, and

WHEREAS, upon ratification by the Senate there is nothing to prevent Panamanian government from taking immediate control of the Canal, and

WHEREAS, Panama ranks at or near the bottom among Latin American countries in its observance of human rights and civil liberties, and

WHEREAS, there is much speculation that a direct connection between the signing of the treaty and a sharp increase in Panamanian government indebtedness to the United States Banks exists since Panama will receive increased revenues under the treaty, and

WHEREAS, the national security of the United States would be endangered by ratification of the treaty since the United States' enemies would have equal access to the Canal, and

WHEREAS, there is a strong legal argument over whether Senate ratification alone is sufficient to dispose of United States property in the Canal Zone, now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that we hereby respectfully urge and request the Honorable Members of the United States Senate to vote against ratification of the new Panama Canal Treaty, and

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the President and Vice President of the United States and each member of the United States Senate.

By Mr. McMillan:

S. J. R. 3. MOURNING THE DEATH OF MAJOR HARWELL G. DAVIS

WHEREAS, The State of Alabama and the City of Birmingham have lost a truly outstanding citizen by the death of Major Harwell G. Davis on August 5, 1977, at the age of 94 after an extended illness; and

WHEREAS, Major Davis, chancellor and former president of Samford University, had a long and distinguished career in the fields of both education and law; he was legal adviser to the governor from 1918 to 1921, and attorney general in the 20's; and

WHEREAS, Major Davis served with distinction in World War I under General Pershing, was cited by him for gallantry in action, and was affectionately called "Major" by his many friends for the rest of his long and fruitful life; and

WHEREAS, Major Davis, as president of Howard College from 1939 to 1958, spearheaded the removal of the campus from East Lake to Shades Valley, and its expansion into Samford University; as a tribute to his service, the school's library bears his name; and

WHEREAS, In his long and distinguished career, Harwell Davis received many honors for the services he rendered his community and state, but his best monument is the university he helped build; it is a valuable legacy; now, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That we honor the memory of Major Harwell G. Davis, and express our gratitude for his life and his many accomplishments; he was truly a Christian gentleman, and will be sorely missed.

BE IT FURTHER RESOLVED That copies of this resolution be sent to his widow, Mrs. Lena Vail Davis, and his three children, Mrs. J. W. Eshelman, Jr., Dr. Harwell G. Davis, Jr., both of Birmingham, and Mrs. W. R. Jenkins, of Lebanon, Tennessee.

By Mr. Fine:

S. J. R. 4. VOICING OPPOSITION TO THE NEW PANAMA CANAL TREATIES AND MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO REFUSE TO RATIFY THE SAME.

WHEREAS, the Panama Canal Zone was established by the Hay-Bunau-Varilla Treaty on November 18, 1903, which granted to the United States in perpetuity the use and control of a canal zone 10 miles wide across the Isthmus of Panama (including full sovereignty and the right of fortification; and

WHEREAS, the Panama Canal was built by the United States at a cost of approximately \$387,000,000; and

WHEREAS, the Panama Canal forms a vital link in the defense of the western hemisphere and is important to world commerce; and

WHEREAS, the United States maintains seven military base areas in the Canal Zone with total military contingent of 9,300; and

WHEREAS, the loss of these military bases will make the protection of the Canal from within and without a herculean task because an invasion, the only alternative, would present a military as well as political dilemma; and

WHEREAS, many Latin American countries have ongoing histories of instability because of political unrest and revolution which often end in military coups d'etat; and

WHEREAS, the Republic of Panama has been governed by a military dictatorship since October 1, 1968; and

WHEREAS, the constitution of the Republic of Panama was suspended by the military junta and the National Assembly dissolved; and

WHEREAS, it is impossible to predict that a new treaty will prevent a sudden takeover of the Panama Canal by the Panamanian military regime; and

WHEREAS, it is possible to predict that the cessation of control of the Panama Canal Zone by the United States will be an open invitation to communist influences in Latin America to heighten their activities because of reports that the Soviets are already making overtures to the leftwing Panamanian dictatorship; and

WHEREAS, the Monroe Doctrine of opposing the extension of European control or influence in the western hemisphere is still a viable foreign policy position of the United States; and

WHEREAS, it is in the national interest of the United States that the operation, control and defense of the Canal continue to be "non-negotiable"; and

WHEREAS, it was reported in the New York Times on August 24, 1977, that "most polls report a decisive majority of Americans opposed . . ." to ratification of President Carter's proposed treaties " . . . which would transfer the existing Panama Canal and the 533-square-mile Canal Zone to Panama by the year 2000 but would allow the United States to help defend the waterway indefinitely"; and

WHEREAS, Time reported on August 29, 1977, that "An Opinion Research Corporation poll of 1, 100 Americans conducted before the new agreement was initialed shows that 78% wanted to keep the Canal, whereas only 14% favored ceding it to Panama"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body does hereby inform the Congress of the United States of its absolute opposition to the two New Panama Canal Treaties signed by the governments of the United States and Panama on September 7, 1977, because the terms of the treaties do not ensure the continued effective, economical, and safe use of the Canal for United States commercial purposes, and do not provide for the maximum military security of the United States.

Moreover, we call upon the members of the United States Senate and the United States House of Representatives to refuse to ratify the basic treaty because it involves the disposition of United States property by giving to the government of Panama permanent control of the Canal and Canal Zone after Friday, December 31, 1999, at which time the United States military pre-

sence and the responsibility of the United States for the Canal operations will cease.

We further call upon the members of the United States Senate to refuse to ratify the supplemental treaty, which gives the United States the right to defend the Canal's neutrality beyond the year 2000, because of the unpredictability of the military government of Panama to be willing and able to enforce its obligations under the treaty.

We also call to the attention of the United States Congress the flaw in the provision of the basic treaty with respect to a new sea-level Canal in that the treaty provision only commits the United States and Panama to jointly study the feasibility of a sea-level Canal and, if it is mutually agreed that such a Canal is necessary, to "negotiate" mutually agreeable terms for its construction—contrary to news reports of President Carter's statements in his August 23, 1977 news conference.

Moreover, we call to the attention of the United States Congress the fact that the government of the United States has pledged, as an adjunct to the basic treaty, \$345,000,000 in bank credits, housing and loan guarantees and military sales credits, all of which connotes another giveaway program designed to raise the national debt even further.

BE IT FURTHER RESOLVED, That copies of this resolution be dispatched to the President of the United States, to the President and the Majority and Minority Leaders of the United States Senate, to the Speaker and Minority Leader of the United States House of Representatives, and to each member of the Alabama Delegation to the United States Congress.

By Mr. Jones:

S. J. R. 5. MOURNING THE DEATH OF EARL CLAYTON PIPPIN.

WHEREAS, it is with utmost grief and a deep sense of loss that the Legislature of Alabama notes the death of Earl Clayton Pippin who was killed in a plane crash in Jackson, Mississippi, September 12, 1977, at the age of 55; and

WHEREAS, a native of Troy, Pike County, Alabama, he was, at the time of his death, executive vice president of Alabama Consumer Finance Association, and was a prominent Montgomery Democrat who was serving as chairman of the Montgomery County Democratic Party and was active in statewide party affairs; and

WHEREAS, further, he was eminently known for his leadership in labor and consumer affairs as a former first vice president of the Alabama Labor Council and as founder of the Southern Federation of Telephone Workers, now part of the international Communication Workers of America union; and

WHEREAS, Mr. Pippin was a former president of the Alabama Mental Health Association and served on the Bryce Mental Hospital Human Rights Committee which was appointed by Judge Frank M. Johnson, Jr.; he also was appointed to the Montgomery Biracial Committee, and served for two years as the committee's first chairman, during which time he worked closely with both school officials and members of the community earning their respect for his knowledgeability, consideration and dedication to duty; and

WHEREAS, his reputation for public service, both locally and statewide,

became national in scope when he was appointed by President Lyndon Johnson, in 1969, to serve as a member of the National Commission on Consumer Finance; his death, consequently, is indeed a great loss, not only to his community and the State of Alabama, but to the nation as well; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do deeply and grievously mourn the death of a great citizen, public servant and friend, Earl Clayton Pippin of Montgomery, Alabama.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to his wife, Mrs. Louise Dickinson Pippin, and to their four children, Clayton, Jr., Lynn, Mark and Bill, that they may know of our shared sorrow and abiding concern for them in the loss of their husband and father.

By Mr. Waldrop:

S. J. R. 6. MOURNING THE DEATH OF ROBERT WILSON ROWLAND OF GADSDEN, ALABAMA.

WHEREAS, it is with a deep sense of loss that the Alabama Legislature notes the death of Robert Wilson Rowland of Gadsden on July 30, 1977, at the age of 72; and

WHEREAS, Mr. Rowland was a native of Roanoke, Alabama and, at the time of his death, had been a resident of Gadsden for 40 years; he was a graduate of Howard College who was retired from Republic Steel Corporation and had been associated with Gadsden State Junior College for seven years; and

WHEREAS, he was very active in the civic, religious and charitable affairs of his community, having worked with the United Givers Fund for many years; he also was an active and contributing member of the First Baptist Church and the Wiley Hickman Sunday School Class; he was a Mason and a Shriner, a member of the Gadsden Kiwanis Club, the Chamber of Commerce and a charter member of Phi Kappa Phi; and

WHEREAS, further, Mr. Rowland was a devoted husband and father, and a loyal friend to all those who were privileged to know him well; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do greatly mourn the death of Robert Wilson Rowland of Gadsden, Alabama, and extend our deep sympathy to his wife, Mrs. Margaret Rowland, his daughter, Mrs. Patricia Ann May and other family members to whom copies of this resolution shall be sent.

By Mr. Waldrop:

S. J. R. 7. MOURNING THE DEATH OF MR. CECIL GARRETT QUALLS, FORMER EDUCATOR.

WHEREAS, it is with regret that the Legislature of Alabama notes the death of Mr. Cecil Garrett Qualls, who was a native and lifelong resident of St. Clair County and who died on July 2, 1977, at the age of 70, as a result of injuries received in an automobile accident; and

WHEREAS, Mr. Qualls attended the public schools of St. Clair County, was a graduate of both Auburn University and Howard College, and received

his Master's Degree in counseling from Samford College; he was principal of Steele Junior High School for 28 years, past president of St. Clair County Education Association, past president of District Secondary Principals Association, a life member of PTA and a member of AEA; and

WHEREAS, he was a member of Steele Baptist Church, a Sunday School teacher, church treasurer, church trustee and also served as choir director for a number of years; and

WHEREAS, Mr. Qualls was a man of integrity and dignity, devoted to his family and truly dedicated in his sense of responsibility to his community, and will be long remembered and deeply missed by all those whose lives he touched; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do deeply regret and grievously mourn the death of Cecil Garrett Qualls; we extend our sincere sympathy to his wife, Mrs. Vivian Buffington Qualls, and other family members to whom copies of this resolution shall be sent.

By Mr. Waldrop:

S. J. R. 8. MOURNING THE TRAGIC DEATH OF MR. RALPH MITCHELL JOHNSON OF CENTRE, ALABAMA.

WHEREAS, the Legislature of Alabama was deeply shocked and saddened by the tragic and untimely death of Mr. Ralph Mitchell Johnson on July 24, 1977, at the age of 47, from injuries received in an automobile accident, and one which occurred within 100 yards of where his wife was killed and he, himself, seriously injured just seven years ago; and

WHEREAS, Mr. Johnson, a native of Etowah County who had been a resident of Centre for the past 13 years, was, at the time of his death, the owner and operator of R. M. Johnson Motors and also an employee of Republic Steel Corporation; he was a member of the Baptist Church, the Sam Dixon Masonic Lodge and a veteran of the Korean Conflict; and

WHEREAS, he was a prominent East Centre businessman who had contributed greatly to the betterment of his community in many areas; he was beloved of family and friends and will be sorely missed by us all; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do deeply regret and grievously mourn the death of Mr. Ralph Mitchell Johnson and extend our heartfelt sympathy to his family and friends.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to his sons, Mitchell and Timothy Johnson of Centre; to his daughter, Sharon, of Centre; to his daughter Debra Johnson Cox of Gadsden; and to other family members that they may know of our shared sorrow in their great loss.

By Mr. Waldrop:

S. J. R. 9. MOURNING THE DEATH OF MR. HENRY W. SMITH, FORMER SHERIFF AND CHAIRMAN OF THE BOARD OF REVENUE OF ETOWAH COUNTY.

WHEREAS, it is with deep regret that the Legislature of Alabama notes the death of Henry W. Smith on July 24, 1977, in Gadsden, Alabama, at the age of 85; and

WHEREAS, Mr. Smith was a native and lifelong resident of Etowah County who had served one term as sheriff and two terms as Chairman of the Board of Revenue of Etowah County; and

WHEREAS, he was an active, participating member of the George Hall Sunday School Class and board of deacons of the First Baptist Church of Southside; he was a former commander of American Legion Post 5, a veteran of World War I, a Mason, and a member of the Veterans of Foreign Wars; and

WHEREAS, this body recognizes that Henry W. Smith was a man of ability and deeds who gave generously of himself in devoted service to his community and county, and one who will be deeply missed by his family and many friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do greatly mourn the death of Henry W. Smith; we extend our deep sympathy to his wife, Mrs. Nettie Smith, and to his son, Jester Henry Smith, and direct that they and other family members receive copies of this resolution that they may know of our concern for them in their sorrow.

By Mr. Waldrop:

S. J. R. 10. CONGRATULATING LAVELDA FANN, MISS NATIONAL TEEN-AGER FOR 1978.

WHEREAS, it is with great pride and pleased delight that the Legislature of Alabama notes that Miss LaVelda Fann of Gadsden, Alabama was crowned Miss National Teen-ager for 1978 in final competition in Atlanta, Georgia, on August 20, 1977; and

WHEREAS, Miss Fann, who stands five feet, seven inches tall and weighs 110 pounds, is a 17-year old Gadsden High School senior, a beautiful and talented young lady who has won several other titles including Etowah County Ideal Miss Talent and Teen Miss Gadsden Talent in 1975, Alabama Miss Mistletoe and Alabama's Miss American Beauty in 1976 and National Miss American Beauty for 1977; and

WHEREAS, in the Miss National Teen-ager contest, contestants were judged on the basis of poise, scholastic achievement, community leadership and overall appearance, and as winner, Miss Fann was awarded several scholarships, a 1977 automobile, a personal appearance contract and a trip to Jamaica; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate LaVelda Fann of Gadsden on both her new prestigious title and on her many previous awards, and we wish her every future success in pursuit of her chosen career as fashion model and fashion magazine editor.

BE IT FURTHER RESOLVED, That Miss Fann and her parents, Billy M. Fann and Mrs. Marion P. Fann, be presented with copies of this resolution as evidence of our esteem and in appreciation for the fame and honor she has brought to our state.

By Mr. Waldrop:

S. J. R. 11. COMMENDING MISS CLARE LEACH OF GADSDEN, ALABAMA

WHEREAS, it is with great pleasure and delight that the Legislature of Alabama notes the recent selection of Miss Clare Leach of Gadsden, Alabama to appear in the nationally known musical, "Chicago"; and

WHEREAS, the talented 18-year old brown-eyed dancer was studying dance for the summer in New York City when she was selected and awarded her role from over 60 non-union performers and unknown number of Equity members; she will tour the country in the musical, which opens this month in Boston, for ten months and perform in almost every major city including Chicago, Miami, San Francisco, Los Angeles and Detroit; and

WHEREAS, the talented Miss Leach begins an exciting career which is the culmination of much self-discipline, dedication and many long years of instruction and practice; she has taken dance lessons in Gadsden since she was six years old and has studied dance at both Jacksonville State University and the University of Alabama in Birmingham; and

WHEREAS, at the age of fifteen she first appeared as the lead dancer in "I Hear American Singing" at Opryland and the next year returned in the same capacity and was selected the "Best Female Dancer At Opryland"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate Miss Clare Leach of Gadsden on her new career; we commend her most highly for commendable achievement at such an early age and express our deep pride in her many outstanding accomplishments.

BE IT FURTHER RESOLVED, That both she and her justifiable proud parents, Mr. and Mrs. G. W. Leach, receive copies of this resolution as evidence of our esteem, and that they may know of our warm wishes for her every future success.

By Mr. Waldrop:

S. J. R. 12. MOURNING THE TRAGIC AND UNTIMELY DEATH OF THE REVEREND JULIUS VERBON CAMPBELL.

WHEREAS, the Legislature of Alabama notes, with regret, the untimely death of the Reverend Julius Verbion Campbell, 49, of Crossville, on July 29, 1977, as the result of injuries received in a tragic automobile accident; and

WHEREAS, the Reverend Campbell was a native of Etowah County and a longtime resident of DeKalb County; he was a member of the Mt. Pleasant Baptist Church and an employee of South Central Bell in Gadsden; and

WHEREAS, Julius Verbion Campbell was a sincere and dedicated Christian man who exhibited throughout his lifetime those admirable attributes of friendliness, loyalty and concern for his fellowmen, thereby gaining the love and respect of his family and all those whose lives he touched; and

WHEREAS, he is survived by his wife, Mrs. Mary L. Campbell; daughters, Miss Lisa Campbell and Mrs. Jean Fricks; sons, Wallace, Roger and Neal Campbell; and by his parents, Mr. and Mrs. James H. Campbell; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do deeply mourn the tragic

and untimely death of the Reverend Julius Verbon Campbell; we extend our most heartfelt sympathy to his wife and family and direct that they receive copies of this resolution that they may know of our concern for them in their great loss.

By Mr. Waldrop:

S. J. R. 13. MOURNING THE DEATH OF MR. THOMAS E. WOOD OF STEELE, ALABAMA.

WHEREAS, The Alabama Legislature was deeply saddened by the death of Mr. Thomas E. Wood on July 29, 1977, at the age of 62; and

WHEREAS, Tom Wood, prominent in the religious and civic affairs of his community, was a native of Etowah County but was a resident of St. Clair County for most of his life; he was a veteran of World War II, a retired employee of Republic Steel Corporation, a deacon and church clerk of Shiloh Baptist Church for 41 years, a charter member of Steele Lions Club, a former member of the Steele City Council and Water Board, and a member of St. Clair Republican Executive Committee; and

WHEREAS, he will be deeply and sadly missed by his family and many friends, and long remembered by us all as a man of uncommon ability who devoted much of his time to conscientiously fulfilling the needs of his community and its citizens; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do deeply regret and mourn the death of Thomas E. Wood and express our sincere sympathy to his widow, Mrs. Pauline Bowlen Wood, and to his son, Thomas Wayne Wood; we further direct that they, and other family members, receive copies of this resolution that they may know of our shared sorrow.

By Mr. Waldrop:

S. J. R. 14. COMMENDING DOCTOR O. R. GRIMES OF GADSDEN FOR FORTY-SIX YEARS OF DEDICATED SERVICE TO HIS PROFESSION.

WHEREAS, the Legislature of Alabama has noted the recent retirement of Dr. O. R. Grimes, one of Gadsden's most prominent physicians, after 46 years of medical service to the citizens of his community; and

WHEREAS, Dr. Grimes is a native of Corpus Springs in South Alabama; he attended Birmingham-Southern for undergraduate work and graduated from medical school at Emory University in Atlanta, Georgia, working the entire time to partially pay his way through school and finally paying off his college debts some seven years after opening his practice; and

WHEREAS, Dr. Grimes began his practice in Gadsden in 1931 and, throughout the years, has conscientiously served the needs of his patients, making countless sacrifices in his own personal life to render invaluable service to all, regardless of ability to pay; and

WHEREAS, although the majority of Dr. Grimes' work has been in the area of obstetrics, having delivered 8,341 babies during his career, he also has re-set thousands of bones and cured his patients of almost every known kind of illness and disease; and

WHEREAS, Dr. O. R. Grimes stands tall as a dedicated physician and indeed has earned the gratitude, love and respect of thousands of citizens in his area of the state; he belongs to a dedicated group, now of the past, who practiced 24 hours a day and seven days a week, coping with illness and disease without the aid of modern-day miracle drugs and equipment; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most highly commend Dr. O. R. Grimes for an outstanding career and for devotion, dedication and excellence of service to his fellowmen; we further wish him many long years in happy retirement and direct that he receive a copy of this resolution as evidence of our appreciation and esteem.

By Mr. Waldrop:

S. J. R. 15. CONGRATULATING MISS MILDRED MARONA, ETOWAH EDUCATOR, ON HER RECENT RETIREMENT.

WHEREAS, the Legislature of Alabama notes, with commendation, the recent retirement of Miss Mildred Marona after 47 years as an educator in Etowah County with forty of those years as a principal, during which time she witnessed education in her county grow from 17 one-room schools in the thirties to a system today that draws national interest because of its innovations in many areas; and

WHEREAS, Miss Marona, a native of Cherokee County, began her teaching career at Agricola Number 2 school in 1930 and, in 1936-1937, she taught at Sardis; in 1937 she became principal at Bellevue School and became principal at Highland, when the schools on Lookout Mountain were consolidated, remaining in that capacity until her retirement; and

WHEREAS, she has devoted a lifetime to the education of our youth; Miss Marona has conscientiously and tirelessly given generously of her time, interest and resources to the enrichment of young minds and lives, and will be greatly missed by the faculty and students at Highland School; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do highly commend Miss Mildred Marona for meritorious service as an outstanding educator; we wish her continued success in all future pursuits and direct that a copy of this resolution be sent to her as a token of our esteem.

By Mr. Waldrop:

S. J. R. 16. COMMENDING MISS TERA TRAMMELL FOR DEDICATED SERVICE IN THE FIELD OF EDUCATION AND ON RECENT HONORS RECEIVED.

WHEREAS, the Legislature of Alabama has noted recent honors bestowed upon Miss Tera Trammell of Attalla as the guest of honor at the 30-year reunion of Etowah High School's Class of 1947, also the occasion of the 60th anniversary of Miss Trammell's own graduation from the same school; and

WHEREAS, Miss Trammell graduated from Etowah High School in 1917 with valedictorian honors and from there went to the University of

Alabama where she received her Bachelor's Degree in Education; she later was awarded a Master's Degree from Auburn University; and

WHEREAS, she began her teaching career in 1922 at her high school alma mater where she taught for two years before going to Miami, teaching there until 1943 at which time she returned to Attalla and Etowah High as an English and Mathematics instructor and remained for the last 25 years of her career; and

WHEREAS, Miss Trammell, through the years, taught many students who later rose to prominence in the areas of business, theatre, education, writing and other fields; her dedication and devotion to duty were paramount in motivating her charges to their highest levels of achievement and she has been remembered with love and affection by all those whose lives she touched; and

WHEREAS, though in retirement, Miss Trammell continues to serve her community and the needs of its citizens through active participation in many civic, charitable, educational and religious areas; she works untiringly with the R.S.V.P. program, the Retired Teachers Association, the First Methodist Church in Attalla and the St. Clair Historical Society, among others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Miss Tera Trammell for an outstanding career and for dedicated service as an educator; we heartily congratulate her as honoree of Etowah High's class reunion festivities and wish her every success in the future.

BE IT FURTHER RESOLVED, That Miss Trammell receive a copy of this resolution as a token of our warm wishes, appreciation and high esteem.

By Mr. Waldrop:

S. J. R. 17. ALLOWING THE SENATE COMMITTEE ON BUSINESS AND LABOR TO MEET DURING THE INTERIM TO STUDY LABOR-MANAGEMENT BILLS

WHEREAS, Labor-Management problems continue throughout the year, not just when the legislature is in session; and

WHEREAS, the Senate Business and Labor Committee, in order to fully study proposed legislation, needs to meet from time to time during the interim; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Senate Committee on Business and Labor will meet during the interim to study labor-management relations and proposed legislation. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, or warrants drawn on the state comptroller upon requisition signed by the committee's chairman.

By Mr. Mitchell:

S. J. R. 18. URGING THE UNITED STATES SENATE TO VOTE AGAINST RATIFICATION OF THE NEW PANAMA CANAL TREATY.

WHEREAS, the Panama Canal is vital to the economic stability and military security of the United States; and

WHEREAS, any future right of the United States to defend the Panama Canal would be subject to Panamanian control under the proposed treaty; and

WHEREAS, many prominent Alabamians have sacrificed and given leadership in the construction of the Panama Canal, most notably Senator John T. Morgan and General William Crawford Gorgas; and

WHEREAS, the proposed treaty would surrender legal control of the Canal Zone to Panama within three years and in time would give complete management of the Canal to Panama, thereby displacing American influence and personnel; and

WHEREAS, the so-called Panama Canal is in truth and fact "the American Canal in Panama," having been built by, maintained by, and paid for by American money and American lives; and

WHEREAS, the integrity and respect of the United States is at stake in this question of surrendering American interests to foreign governments in the face of threatened rebellion by that local government; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby respectfully urge and request the members of the United States Senate to vote against ratification of the new Panama Canal Treaty.

BE IT FURTHER RESOLVED, That this legislative body commend the Junior Senator from Alabama, the Honorable James B. Allen, for his forthright and positive stand in opposition to the ratification of this treaty; and

BE IT FURTHER RESOLVED, That the Governor of this State be called upon by this legislative body to present this matter to the next meeting of the Southern Governors Conference with the specific objective that the Southern Region of this country take the lead in opposing the ratification of a treaty which is repugnant to the ideals and principles upon which this nation was founded; and

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to the President and Vice President of the United States and to each member of the United States Senate.

By Mr. Fine:

S. J. R. 19. PROCLAIMING AND CALLING FOR THE OBSERVANCE OF FEBRUARY 6 THROUGH FEBRUARY 10, 1978, AS "ALABAMA'S FORGOTTEN VICTIMS WEEK".

WHEREAS, it is the duty of all citizens and institutions, and the Legislature of Alabama principally, to play positive roles in improving the plight of victims of violent crime and their families, or survivors, and to restore effectiveness in the administration of justice; and

WHEREAS, according to the National Institute of Law Enforcement and Criminal Justice in Washington, D.C., older citizens in this country suffer as targets for crime more than almost any other group, with the poor and those in the minority even more likely to be affected by the criminal epidemic raging, seemingly unchecked, throughout our land; and

WHEREAS, these victims seldom fully recover, financially, physically or psychologically; and

WHEREAS, further, this body is deeply concerned for the welfare of these innocent victims of violence and also deeply aware of a need to call public attention to their tragic plight; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby proclaim February 6 through February 10, 1978, "Alabama's Forgotten Victims Week," said week to be observed for the purpose of causing all citizens to become aware of their responsibilities to restore effectiveness to the administration of justice and the need to improve the plight of victims of violent crime.

By Mr. Owen:

S. R. 20. SETTING PRIORITY OF BILL CONSIDERATION

BE IT RESOLVED BY THE SENATE OF ALABAMA That legislation dealing with ad valorem assessments shall, upon reaching the calendar on the Third Legislative Day or any subsequent day, be the special, paramount and continuing order of business, taking precedence over all other business, until disposed of.

By Mr. McMillan:

S. J. R. 21. TO DESIGNATE THE BIRMINGHAM FESTIVAL OF ARTS AS THE OFFICIAL STATE ARTS FESTIVAL.

WHEREAS, the Birmingham Festival of Arts is renowned in its field and is the most outstanding arts festival in the State of Alabama; and

WHEREAS, no arts festival is designated as the official state arts festival in this state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Birmingham Festival of Arts is hereby designated as the official state arts festival and shall be so designated by signs, markings, advertisements and other appropriate forms of publicity.

By Mr. Waldrop:

S. J. R. 22. HONORING MR. E. W. CARLSON ON HIS RECENT RETIREMENT.

WHEREAS, the Legislature of Alabama has noted with interest the recent retirement of Mr. E. W. Carlson after 38 years service with Republic Steel, concluding a career that had taken him to four of the corporation's districts, involving him in virtually all phases of production; and

WHEREAS, Mr. Carlson, a native of Chicago, Illinois, is a graduate of Armour Institute of Technology who began with Republic Steel in 1930 in Chicago, serving subsequently and in various capacities in his company's Cleveland district on two different occasions and also in Buffalo before transferring to Gadsden in 1965 as Southern District Manager in which capacity he was serving at the time of his retirement; and

WHEREAS, E. W. Carlson is a member of both the Gadsden and Birmingham Chambers of Commerce, the American Iron and Steel Institute and the Association of Iron and Steel Engineers; he also has served as a director on the boards of the Alabama Association of Independent Colleges and

Universities, the Alabama Chamber of Commerce, Associated Industries of Alabama, the Coosa-Alabama River Improvement Association and the Etowah County United Givers Fund; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate Mr. E. W. Carlson on his outstanding career with Republic Steel Corporation and warmly wish him every success in all future endeavors; we further note with approval the innumerable contributions to his professional field and voice our appreciation for meritorious participation in the civic and charitable affairs of his community and state.

BE IT FURTHER RESOLVED, That Mr. Carlson be presented with a copy of this resolution as a token of our appreciation and esteem.

By Mr. Waldrop:

S. J. R. 23. HONORING DR. J. D. BUSH, GADSDEN PHYSICIAN, UPON HIS RETIREMENT.

WHEREAS, Dr. J. D. Bush, one of Gadsden's most prominent and beloved physicians has retired after almost 30 years in practice in the field of pathology, an occasion which was marked by expressions of affection from friends and commendations for excellence from his colleagues; and

WHEREAS, a native of Decatur, Morgan County, Alabama, Dr. Bush trained at the University of Alabama Medical School and the Rush Medical School in Chicago, specializing in pathology which was a relatively new field at that time; and

WHEREAS, the extent of his contributions to medicine in North Alabama was unlimited; his superb laboratory provided the backup work that is essential to modern diagnostic procedure, and both doctors and patients alike depended on his vast knowledge and skill; and

WHEREAS, further, he was instrumental in establishing a degree in medical technology at Jacksonville State University and also taught in the University of Alabama Medical School, first in Tuscaloosa and then in Birmingham; he was among the early dedicated and enthusiastic devotees of medical science who made pathology the practitioner's most dependable tool; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most highly commend Dr. J. D. Bush of Gadsden for many years of outstanding contributions in the field of medical pathology, and wish for him a long, happy and well deserved retirement.

BE IT FURTHER RESOLVED, That Dr. Bush and his wife, Mrs. Mamie Lowe Bush, be presented with a copy of this resolution that they may know of our high praise and sincere warm wishes for them both in the years ahead.

By Mr. Waldrop:

S. J. R. 24. MOURNING THE DEATH OF MRS. MABEL LANDERS CHESNUT.

WHEREAS, it is with deep regret that the Legislature of Alabama notes the death of Mrs. Mabel Landers Chesnut of Gaylesville, Alabama, on October 2, 1977, at the age of 90; and

WHEREAS, Mrs. Chesnut, a native of Hokes Bluff, Etowah County, Alabama, was the widow of the late and former state senator, Webb Chesnut, of Gaylesville; and

WHEREAS, Mrs. Mabel Chesnut was a member of the Gaylesville United Methodist Church, a beloved and highly respected member of her community who will be deeply missed and remembered long with love by her family, her many friends and by all those whose lives she touched; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do deeply regret and grievously mourn the death of Mrs. Mabel Landers Chesnut and direct that copies of this resolution be sent to her sons, Robert Landers, John Franklin, Webb Woodrow, George Judson, Luther Clifford and James David Chesnut, and to her daughter-in-law, Mrs. Ann Chesnut, that they may know of our deep sorrow in their great loss.

By Mr. Waldrop:

S. J. R. 25. COMMENDING MRS. SARAH L. THOMAS, RETIRED COUNTY AGENT WITH THE AUBURN UNIVERSITY COOPERATIVE EXTENSION SERVICE.

WHEREAS, Mrs. Sarah L. Thomas served with the Auburn University Cooperative Extension Service from 1947 to 1977 with her entire extension career having been spent in Etowah County; and

WHEREAS, Mrs. Thomas is a native of Chambers County; she attended Southern Union College, received a B. S. Degree in Home Economics from Auburn University and was employed with Farmer's Home Administration as home supervisor for three years in Randolph County; and

WHEREAS, she began work in September, 1947, in Etowah County as assistant home demonstration agent; in May, 1948, she was appointed Etowah County home demonstration agent with responsibility for the Home Economics Program of Extension Service and later became supervisor of the Expanded Foods and Nutrition Education program; and

WHEREAS, Mrs. Thomas attends Central United Methodist Church and is active also in the various civic affairs of her county; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mrs. Sarah L. Thomas on her outstanding 30-year career with Auburn University Cooperative Extension Service; we congratulate her on her retirement, wish her well in all future pursuits and, further, direct that she receive a copy of this resolution as a token of our appreciation and esteem.

By Mr. Waldrop:

S. J. R. 26. COMMENDING COACH JIM GLOVER ON HIS OUTSTANDING CAREER

WHEREAS, the Legislature of Alabama has noted the recent retirement of Coach Jim Glover after thirty-one years as head football coach at Etowah High School; and

WHEREAS, Coach Glover came to Etowah in 1947 after coaching at

Brookwood and Tarrant high schools and led his teams to undefeated seasons in 1947, 1949, 1950, 1954, 1956, 1958 and 1969; and

WHEREAS, upon his retirement as a coach, Jim Glover had an overall career record of 213-110-16; at Etowah High, he was 194-96-15; and

WHEREAS, in addition to his outstanding football record, Coach Glover led Etowah High to the state basketball championship in 1948; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate Coach Jim Glover on his tremendously successful and rewarding career and wish him continued success in all future endeavors.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Coach Glover that he may know of our admiration and esteem, and a copy sent to Etowah High School.

By Mr. Bank:

S. J. R. 27. MEMORIALIZING PRESIDENT CARTER AND THE U.S. CONGRESS TO GIVE IMMEDIATE ATTENTION TO THE LAMENTABLE PLIGHT OF THE AMERICAN FARMER AND TO TAKE REMEDIAL ACTION FORTHWITH.

WHEREAS, the Alabama legislature is cognizant that these are days of unparalleled crisis for the vast majority of American farmers on whom our entire nation depends for sustenance; and

WHEREAS, if our farmers are to continue meeting the agricultural needs of our country, it is imperative that they receive a fair and equitable return for the labor and investments necessary to produce their crops; and

WHEREAS, there exists an obvious discrepancy in the distribution of profits from farmer to consumer with the farmer receiving far less than his fair share; and

WHEREAS, the decisive moment for formulating corrective action is upon us; the need for remedy is acute and must be faced without delay; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the members of the Alabama legislature hereby urge the President and the Congress of the United States to give immediate attention to the dire plight of the American farmer and to take whatever action necessary to remedy the deplorable economic conditions that have existed far too long.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to President Carter, and one to each member of the Alabama Congressional Delegation in Washington, D.C.

By Mr. Waldrop:

S. J. R. 28. MOURNING THE DEATH OF DR. HENRY GRADY FORD.

WHEREAS, the death of Dr. Henry Grady Ford on December 8, 1977, at the age of 80, has been noted with deep regret by the Alabama Legislature; and

WHEREAS, Dr. Ford, son of the late Dr. William Franklin and Barbara Elizabeth Barnes Ford, was a native and lifelong resident of Etowah County and a practicing physician for fifty-five years; he was a member of the American Medical Association, Etowah County Medical Society, Medical Society of the State of Alabama, Alabama Physicians and Dentists Guild, Southern Radiological Conference, Radiological Society of North America, Alabama Radiological Society, Alabama Thoracic Society, Alabama Academy of Radiology, American College of Radiology and Roentgen Ray Society; and

WHEREAS, further, Dr. Ford was chief of the Department of Radiology, Emeritus, of Holy Name of Jesus Hospital, Baptist Memorial Hospital, DeKalb County Hospital, Cherokee County Hospital, Blount Memorial Hospital and Piedmont Hospital; he also was director of the School of Radiological Technologists of Gadsden State Junior College, a member of Masonic Lodge Number 470 of Hokes Bluff, a member of Phi Beta Pi Theta Medical Fraternity, Vanderbilt and the University of Alabama Alumni Associations, and the Alumni Association of the School of Medicine; and

WHEREAS, he served his country during World War I and also during World War II in Chief Field Radiology, European Theatre of Operations; he later was the originator and director of the first two-year school of Radiological Technology in the State of Alabama; and

WHEREAS, Dr. Ford was a beloved and compassionate physician, dedicated to his profession and ever sensitive to the needs of his patients and of his community; he will be sorely missed by his family, his many friends and by all those who were privileged to know him; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do greatly mourn the death of Dr. Henry Grady Ford of Hokes Bluff, Alabama, and extend our most heartfelt sympathy to his sons, Henry Tucker Ford, Jack D. Ford and Dr. William E. Ford, and other family members to whom copies of this resolution shall be sent.

By Mr. Higginbotham:

S. J. R. 29. COMMENDING MICHAEL MILLS OF OPELIKA FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, the Legislature of Alabama notes with pride and great pleasure that Michael Mills of Opelika, Alabama, is currently serving as president of Key Club International, having been elected in Kansas City, Missouri, during the annual convention of this 80,000-member organization; and

WHEREAS, Michael also was presented both the Key Club President's Award, an honor given to the most outstanding Key Club International Board of Trustees for his performance during the past year, and the Governor's Award for his notable service on the Alabama District Board; and

WHEREAS, during his years of active participation in this fine organization of high school boys dedicated to good citizenship and service to others, Michael, who is a senior at Opelika High School, has served previously as vice-president of his local Key Club and has attended two international conventions, four district conventions, 12 divisional meetings, four district

board meetings, and was Alabama District Convention Coordinator in 1976; and

WHEREAS, the many and varied activities of this fine young man extend further to include active membership in the Opelika Baptist Church, participation in both the football and track programs of his school, membership on the student council and on his school's newspaper staff as assistant editor; and

WHEREAS, as president of Key Club International, Michael will serve throughout this 1977-78 administrative year, heading the club's Board of Trustees, establishing various programs and presiding at the next annual convention in Miami Beach, Florida; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do heartily congratulate Michael Mills, President of Key Club International; we commend him most highly for outstanding achievement, and direct that copies of this resolution be sent to both Michael and to his justifiably proud parents, Mr. and Mrs. Billy R. Mills of Opelika, Alabama.

By Mr. Owen:

S. J. R. 30. PROPOSING A NEW JOINT RULE ESTABLISHING A JOINT LEGISLATIVE STANDING COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT AND FRINGE BENEFITS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the following joint rule be added to the joint rules of the two houses of the Legislature of Alabama:

Rule 16. There shall be a standing joint legislative committee to be known as the Joint Committee on Public Employee Retirement and Fringe Benefits to which shall be assigned all bills affecting any retirement system funded by the State of Alabama or any political subdivision thereof, or which provides for or regulates the retirement of a public official or employee of the State or any political subdivision thereof, or which provides for or regulates supernumerary offices of the State or any political subdivision thereof, or which gives or provides for any other fringe benefit to any public official or employee of the state or of any political subdivision thereof. The joint committee shall consist of four members of the House and three members of the Senate as follows: The Chairman of the House Ways and Means Committee; the Chairman of the Senate Finance and Taxation Committee; three additional members of the House and two additional members of the Senate to be appointed by the presiding officer of each house. The appointed members of the joint committee must have served in the Legislature for at least one additional term and must have served one term on the Finance and Taxation Committee of the Senate or the Ways and Means Committee of the House or be currently serving on such committee. The Committee shall select a chairman from among its members rotating between the Senate and the House at the beginning of each regular legislative session commencing with a Senate member serving as chairman for the first session after the appointment of the committee. The committee shall meet at the call of the chairman or any four members thereof.

The joint committee may meet and consider all bills introduced into either House assigned to it pursuant to this rule and may report such bill to the Senate Standing Committee on Finance and Taxation or the House Standing Committee on Ways and Means as the case may be for further

consideration under established legislative procedure. In addition to other items the joint committee may consider before action on any bill, the committee shall consider the following: The estimated cost per fiscal year; the estimated total cost over the funding period; the certificate of the Retirement Systems of Alabama of the estimated annual and total funding costs when any bill affects the administration, financing, and benefits of or affects in any other manner either the State Employees' Retirement System, Teachers' Retirement System or the Judicial Retirement System; an estimated cost, both annual and total over the funding period, of the extension of any benefit granted by any bill appropriate for consideration by the Joint Committee, where any such bill is not applicable to either of the retirement systems of the state or any funds administered thereunder.

COMMUNICATION FROM THE SUNSET REVIEW COMMITTEE

The following Communication from the Sunset Review Committee was read and ordered spread upon the Journal, to-wit:

Honorable Jere Beasley
Lieutenant Governor
State of Alabama
State Capitol
Montgomery, Alabama 36130

Dear Governor:

Submitted herewith are the resolutions containing recommendations of the joint committee appointed pursuant to the "Alabama Sunset Law of 1976", for the continuation or termination of the agencies relative to which hearings have been held. All criteria data supporting said resolutions are on file in the office of the Senate Finance and Taxation Committee and are available to the members of the Legislature for review.

The Sunset Review Committee,
L. D. Owen, Jr.,
Chairman.

ADJOURNMENT

At 3 o'clock P.M., on motion of Mr. Fine, in accordance with motion heretofore adopted, the Senate adjourned until Thursday, January 12, 1978, at 8:30 A.M.

SECOND LEGISLATIVE DAY

THURSDAY, JANUARY 12, 1978

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

PRAYER

The Session was opened with prayer by the Reverend John F. Lindsey, Pastor, Ridgcrest Baptist Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Gilmore, Higginbotham, Jones, King, Little, McDonald (A), Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, St. John, Teague, Vacca.

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JOURNAL

On motion of Mr. Little, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the First Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

MASTON MIMS,
Vice Chairman.

COMMITTEE REPORT

On motion of Mr. Mims, the foregoing report was concurred in and the Journal of the Senate for the First Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. Little, leave of absence was granted Messrs. Clemon, Fine, Goodwin, McDonald (S), McMillan, Pearson, Roberts, Shelby, Stewart, Waldrop and Wilson for today.

RESOLUTION

Messrs. King, Jones and Miller offered the following Senate Resolution, to-wit:

S. R. 45. EXTENDING THE APOLOGY OF THE SENATE TO GOVERNOR GEORGE C. WALLACE.

WHEREAS, A House Joint Resolution inviting the Governor to address a Joint Session of the Legislature on the State of the State was sent to the Senate Rules Committee; and

WHEREAS, The Senate failed to have an opportunity to vote on the Resolution; and

WHEREAS, The Alabama Legislature, for the first time in the history of the state, failed to request the Governor to address a joint Session of the Legislature on the opening day of the Regular Session; NOW, THEREFORE,

BE IT RESOLVED BY THE ALABAMA SENATE, That Governor

George C. Wallace is due a public apology from this body, and further, that such an apology is hereby offered for his consideration.

Which was read and referred to the Standing Committee on Rules.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Peden:

S. 310. Incorporated municipalities shall be authorized to annex territory which lies and is located in, and which is enclosed within the corporate limits of such municipality and has been so enclosed for a period of five years or more; prescribing procedures for the annexation of such territory.

Committee on Local Government.

By Mr. McDonald (A):

S. 311. To amend the title and Section 1 of Act No. 565, H. B. 391, Regular Session of 1963, regulating the working hours of all paid firemen in cities or towns with a population of twenty nine thousand or more so as to decrease the working hours of said firemen.

Committee on Business and Labor Relations.

By Mr. King:

S. 312. Providing for standardized artificial lighting criteria for new and existing public buildings; relating minimum electric-power budgets as standards for lighting design and utilization in buildings, and providing for enforcement.

Committee on State Government.

By Mr. Perry:

S. 313. To authorize the Attorney General to create within his office a financial investigative unit to investigate "white collar crime"; to authorize the financial investigative unit to investigate educators, legislators, judges, other governmental employees and any person or agency participating as an advisor, consultant or otherwise performing a governmental function; to authorize such unit to investigate fraud, fraudulent business practices and all crimes and offenses affecting government, business, unions, occupations and professions enumerated in Act No. 607, S. 66 of the 1977 Regular Session of the Alabama Legislature, known as the "Alabama Criminal Code"; and to appropriate \$250,000 from the general fund to implement the provisions of this act.

Committee on Finance and Taxation.

By Mr. McMillan:

S. 314. To amend Section 34-24-75 of the Code of Alabama, 1975, so as to provide for the issuing of limited certificates of qualification to practice medicine without examination to physicians enrolled in approved residency training programs.

Committee on Health and Welfare.

By Mr. Perry:

S. 315. To amend Section 40-17-31, Code of Alabama, 1975, which relates to excise tax on gasoline, and as last amended by Act No. 674, Acts of Alabama, 1977, so as to exempt Counties and incorporated municipalities from payment of such tax on gasoline and to authorize the department of revenue to adopt rules and regulations in connection with such exemptions.

Committee on Finance and Taxation.

By Mr. Bank:

S. 316. To require health education of high school students in the public high schools of Alabama.

Committee on Education.

By Mr. St. John:

S. 317. Relating to counties having a population of not less than 50,000 nor more than 52,500 inhabitants according to the 1970 or any subsequent federal decennial census, providing for the establishment of a consolidated and unified system for assessment and collection of taxes in such counties under the supervision of an elected county official designated as county revenue commissioner, and repealing conflicting laws.

Committee on Local Legislation No. 1.

By Mr. St. John:

S. 318. To amend Section 31-2-13, Code of Alabama 1975, so as to limit the military leave of absence benefits of certain individuals.

Committee on State Government.

By Mr. Jones:

S. 319. To provide that certain persons who possess undergraduate and law degrees shall be licensed to practice law in this state upon the completion of certain apprenticeship programs, and providing for the payment of certain fees to the Alabama State Bar Association.

Committee on Judiciary.

By Mr. Jones:

S. 320. To amend Section 36-25-4, Code of Alabama 1975, so as to further regulate the Ethics Commission investigating citizen complaints and to prescribe criminal penalties for violation of the regulations.

Committee on State Government.

By Mr. Mims:

S. 321. Prohibiting the taking, catching, or killing of fox by the use of traps in the State of Alabama for a period of two years; providing for the capturing of fox from areas overpopulated with fox and the relocation of such captured fox to areas low in fox population and to prescribe criminal penalties.

Committee on Conservation.

By Mr. Mims:

S. 322. To amend Section 33-5-22, Code of Alabama 1975, relating to certain safety equipment required on water vessels while operating in this state, so as to require that approved personal flotation devices must be worn by all passengers on board any water vessel while such vessel is in motion.

Committee on Conservation.

By Mr. Mims:

S. 323. Relating to Indian citizens of the State of Alabama; creating the Indian Affairs Commission of Alabama; providing for its duties and membership; prescribing the method of appointment and compensation of the members of said commission; providing for an appropriation for such commission from the state general fund; and repealing all laws or parts of laws conflicting with this act, specifically repealing Act No. 533, S. 449, 1976 Regular Session (Acts of 1976, p. 684).

Committee on State Government.

By Mr. Mims:

S. 324. To amend Act No. 607, S. 33 of the 1977 Regular Session of the Alabama Legislature (Acts 1977, p. 853), known as the "Alabama Criminal Code" so as to include the theft of cattle, swine, horses, mules, asses or sheep regardless of their value under Section 3203, relating to theft of property in the second degree.

Committee on Agriculture.

By Mr. Mims:

S. 325. To prohibit the purchase or sale of green hides, raw furs or pelts of a red fox; to provide penalties for violation of this act.

Committee on Conservation.

By Mr. Noonan:

S. 326. To exempt the ALLEN MEMORIAL HOME, INC., from the payment of all state, county and municipal sales and use taxes, licenses, fees and excises, under certain prescribed conditions.

Committee on Finance and Taxation.

By Mr. Noonan:

S. 327. To exempt the PARTICULAR COUNCIL OF MOBILE SOCIETY OF ST. VINCENT de PAUL from the payment of all state, county and municipal sales and use taxes, licenses, fees and excises, under certain prescribed conditions.

Committee on Finance and Taxation.

By Mr. Noonan:

S. 328. To exempt the LITTLE SISTERS OF THE POOR, HOME FOR THE AGED, INC. from the payment of all state, county and municipal sales and use taxes, licenses, fees and excises, under certain prescribed conditions.

Committee on Finance and Taxation.

By Mr. Noonan:

S. 329. To exempt the VILLA MERCY, A CORPORATION, from the payment of all state, county and municipal sales and use taxes, licenses, fees and excises, under certain prescribed conditions.

Committee on Finance and Taxation.

By Messrs. Ellis and Bank:

S. 330. To amend sections 16-25-1 and 16-25-21, Code of Alabama 1975, which relate to the state teachers' retirement system, so as to redefine the term "teacher" to include employees or officers of the American Federation of Teachers, and providing for certain contributions into the system, thereby allowing such persons to participate in the state teachers' retirement system.

Committee on Education.

By Messrs. Jones, Mitchell and Powell:

S. 331. To allow the District Attorney for the Fifteenth Judicial Circuit to initiate and conduct a pre-trial diversionary program within said circuit for first offenders who are charged or may be charged with certain non-violent property related offences, and to permit the District Attorney to bring legal proceedings against criminal defendants on behalf of victims of crime.

Committee on Local Legislation No. 1.

By Mr. Edwards:

S. 332. To amend Section 27-8-23 of the Code of Alabama, 1975 so as to regulate further the issuance or the delivery of insurance contracts through the arrangements or facilities of a credit card facility or organization or through credit facilities of a retail merchandise establishment or department store.

Committee on Insurance.

By Mr. Edwards:

S. 333. To provide for a treatment program for persons suffering from cystic fibrosis and related diseases, and the administration therefor; and appropriating \$100,000 from the Special Educational Trust Fund for the purposes of this act.

Committee on Finance and Taxation.

By Mr. Edwards:

S. 334. To repeal Act No. 668, S. 787, Regular Session 1969 (Acts of Alabama 1969, p. 1203), entitled, "An Act To regulate the compensation of members of the county board of registrars in all counties having populations of not less than 57,000 nor more than 61,500, according to the most recent federal decennial census; providing for payment of additional compensation from the county treasury; to repeal conflicting laws."

Committee on Local Legislation No. 1.

By Messrs. Goodwyn, Waldrop and Higginbotham:

S. 335. To amend Section 40-9-1, Code of Alabama 1975, so as to

exempt from ad valorem taxation all property owned by Loyal Order of Moose or lodge thereof, provided such property is used and occupied exclusively by such organization.

Committee on Finance and Taxation.

By Messrs. Little and Higginbotham:

S. 336. To repeal Act No. 70, S. 60 of the 1977 First Special Session of the Legislature (Acts of 1977, p. 1499) entitled, "An Act Relating to all counties having a population of not less than 35,000 nor more than 38,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide additional compensation for members of the county commission."

Committee on Local Legislation No. 1.

By Messrs. Higginbotham and Little (with notice and proof):

S. 337. To amend Section 4 of Act No. 182, H. 439, Regular Session 1977, which act provides for the reidentification of registered voters of Chambers County so as to further provide for the compensation of the members of the board of registrars for attendance upon special sessions of the board.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 337, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Messrs. Higginbotham and Little:

S. 338. To amend Section 2 of Act No. 50, H. 91 of the 1977 First Special Session (Acts of 1977, p. 1472) entitled, "An Act Relating to all counties having a population of not less than 35,000 nor more than 38,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide additional compensation for the members of the county commission," so as to provide that the additional compensation be paid out of any county fund or funds, including the road and bridge fund.

Committee on Local Legislation No. 1.

By Mr. Mitchell:

S. 339. To exempt any water authority organized pursuant to Act No. 107, S. 2 of the 1965 First Special Session (Acts, Special Session 1965, Vol. I, p. 132), as amended, from the payment of any state utility gross proceeds or similar tax.

Committee on Finance and Taxation.

By Mr. Perloff:

S. 340. To require that employers in this state shall pay wages to all discharged or resigned laborers or other employees within ten working days of termination of employment; and creating a cause of action for any such discharged or resigned employee whose employer fails to comply with the

above mentioned requirements, and providing for payment of penalty wages by an employer who violates the requirements of this Act.

Committee on Business and Labor Relations.

INFORMAL RECESS REQUESTED

Mr. Perry requested Unanimous Consent to go into informal recess to hear a presentation by a private citizen relative to utility rates.

SENSE OF THE SENATE

Under the provisions of Senate Rule 45, Mr. Baker moved that the President and Presiding Officer of the Senate call for the Sense of the Senate on the following question:

"Shall a private citizen be allowed to address the full Senate in informal recess?"

On a call of the roll, the members of the Senate responded as follows:

Yeas 12; Nays 9.

Yeas:

Messrs. Ellis, Higginbotham, Jones, King, Little, Miller, Mims, Mitchell, Noonan, Perry, Proctor, St. John.

—12

Nays:

Messrs. Baker, Bank, Edwards, Gilmore, McDonald (A), Peden, Perloff, Powell, Vacca.

—9

On objection of Mr. Peden, the request for Unanimous Consent was denied.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 2. Appointing a committee from the two houses to notify the Governor that the Legislature is now in session and ready for the transaction of business.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

REPORT FROM RULES

Mr. Mims, Vice Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 3. RELATIVE TO A JOINT SESSION OF THE HOUSE AND SENATE FOR THE PURPOSE OF HEARING THE MESSAGE OF THE HONORABLE GEORGE C. WALLACE.

On motion of Mr. Mims, said Resolution was then concurred in and adopted by the Senate.

Mr. Mims, Vice Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Resolution and ordered same returned to the Senate with a favorable report, with substitute, to-wit:

S. R. 45. EXTENDING THE APOLOGY OF THE SENATE TO GOVERNOR GEORGE C. WALLACE.

The Standing Committee on Rules reported the following substitute for the Resolution, S. R. 45, to-wit:

SENATE RULES COMMITTEE SUBSTITUTE FOR S. R. 45

Substitute S. R. 45 as follows:

"EXTENDING THE APOLOGY OF THE SENATE TO GOVERNOR GEORGE C. WALLACE.

S. R. 45. WHEREAS, A House Joint Resolution inviting the Governor to address a Joint Session of the Legislature on the State of the State was received by the Senate; and

WHEREAS, The Senate failed to vote on the Resolution; and

WHEREAS, The Alabama Legislature, for the first time in the history of the state, failed to request the Governor to address a joint Session of the Legislature on the opening day of the Regular Session; NOW, THEREFORE,

BE IT RESOLVED BY THE ALABAMA SENATE, That Governor George C. Wallace is due a public apology from this body, and further, that such an apology is hereby offered for his consideration."

Mr. Baker offered the following amendment to the substitute, for the Resolution, S. R. 45, to-wit:

AMENDMENT TO SUBSTITUTE FOR S. R. 45

Amend Rules Substitute for Senate Resolution 45, Page 1, Line 18, by striking out after the word "Legislature," the words "for the first time in the history of the state."

and on line 17 after the word "Resolution" add the following:

"prior to the joint session."

Which was adopted.

And said substitute, as thus amended, was then adopted by the Senate.

And said Resolution, S. R. 45, as thus amended by the substitute, was then adopted by the Senate.

Yeas 22; Nays 0.

Yeas:

Messrs. Baker, Bank, Edwards, Ellis, Gilmore, Higginbotham, Jones, King, Little, McDonald (A), Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, St. John., Vacca.

—22

Nays:

—0

By Unanimous Consent, the names of all members present were added as co-sponsors of the above Resolution.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Cates, Mitchem, Albright, Baker, Barron, Campbell, Cross, Crowe, Dial, Edwards, Folmar, Gafford, Greer, Gregg, Holley, Holmes (D), Hopping, Jackson (F), Johnstone, Kelley, Kennedy, Killian, Lutz, McCluskey, McCorquodale, McNeas, Manley, Merrill, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Reed, Roberts, Robertson, Sasser, Shelton, Shoemaker, Smith (C), Smith (M), Starkey, Turnham, Venable, Ward, Warren, Whatley and Younce:

H. J. R. 31. MEMORIALIZING PRESIDENT CARTER AND THE U. S. CONGRESS TO TAKE AFFIRMATIVE STEPS IN RESTORING THE BALANCE OF AMERICAN AGRICULTURE.

WHEREAS, the farmers of this nation are the very foundation upon which this country was built; and

WHEREAS, agriculture is over a billion dollar business in this state and as such is the key industry in Alabama; and

WHEREAS, the farmers of this state and nation represent only four per cent of the population but feed and clothe the remaining 96 per cent; and

WHEREAS, farmers should be allowed to expand, develop and compete in all potential domestic and foreign markets without fear of embargoes or restrictions; and

WHEREAS, the income of Alabama farmers dropped to a disastrous level in 1977 due to extremely unfavorable weather conditions and low farm prices; and

WHEREAS, the low income situation placed a heavy burden upon Alabama farmers which is causing grave concern and dissatisfaction among the farmers; and

WHEREAS, the drastic economic plight confronting Alabama farmers endangers the continued growth and progress of our great state;

NOW THEREFORE, BE IT RESOLVED that the Alabama Legislature,

through means of this resolution, show its support to those Alabama farmers who pursue sound, constructive and legal means to improve the economic conditions of agriculture and that we urge Congress to assure that government programs for farms are responsive to the demands for short term production needs and for long term sustained development of American agriculture, recognizing that a strong agriculture provides for a strong, healthy nation.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the President of the United States, the Alabama Congressional delegation, the Secretary of Agriculture, and the Governor of the State of Alabama.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 31, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Albright, Gregg, Lutz and Smith (B):

H. J. R. 33. COMMENDING THE HUNTSVILLE NORTHWEST ALL-STARS ON THEIR BABE RUTH LEAGUE BASEBALL CHAMPIONSHIPS.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 33, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Boles, Albright, Coburn, McNees, Trammell, Andrews, Carter, Roberts and Cross.

H. J. R. 29. CALLING FOR AND CREATING AN ANNUAL ALABAMA LEGISLATIVE FOOTBALL POLL.

WHEREAS, the game of football is indigenous to these United States, a sport that is enjoyed nationwide by both participants and spectators alike; and

WHEREAS, the great State of Alabama has made significant contributions in both these areas for many, many years; and

WHEREAS, the University of Alabama is an institution recognized historically as an expert in the art of football; and

WHEREAS, in recent years, various organizations have attempted to list the "top ten" teams in America by order and rank, resulting in disagreement by many thousands of people throughout this land with the issuance of each such poll; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body hereby recognizes the inadequacy of such polls and hereby issues its own 1978 poll of the "top ten" football teams in America by order and rank:

- | | |
|---------------|---------------|
| 1. Alabama | 6. Michigan |
| 2. Notre Dame | 7. Kentucky |
| 3. Arkansas | 8. Penn State |
| 4. Texas | 9. Ohio State |
| 5. Oklahoma | 10. Pittsburg |

BE IT FURTHER RESOLVED, That hereafter, annually, the Speaker of the House and three house members of his choosing, and the Lieutenant Governor and three senate members of his choosing shall meet, converse and communicate among themselves, as a committee, and at the earliest possible time for such members following the close of each college football season, for the purpose of issuing the Alabama Legislative Poll of the "top ten" teams in America.

RESOLVED FURTHER, That graduates of Notre Dame University are ineligible for membership on said legislative committee.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 29, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Manley:

H. J. R. 9. REQUESTING CHIEF JUSTICE TORBERT TO ADDRESS THE LEGISLATURE ON JANUARY 17, 1978.

WHEREAS, by resolution, H. J. R. 8, Chief Justice C. C. Torbert was invited to address a joint session of the legislature; and

WHEREAS, it is of the utmost importance that this body be fully advised, at the earliest possible date, as to all problems facing our courts; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH

HOUSES THEREOF CONCURRING, That we do most respectfully extend to Chief Justice C. C. Torbert an invitation to address the House and Senate of the Alabama Legislature at 2:00 p.m. on January 17, 1978, on the problems now being experienced as a result of implementation of the mandates of Amendment Number 328 to the Constitution of Alabama.

BE IT FURTHER RESOLVED, That the Clerk of the House of Representatives is hereby directed to inform Chief Justice Torbert, by copy of this resolution, of our invitation to address the Alabama Legislature.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 9, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Lutz, Riddick, Smith (B), Gregg, Moore (W), Albright, McCorquodale, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lockett, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Thomas, Trammell, Tucker, Turnham, Venable, Waggoner, Ward, Warren, Weeks, Whatley, White, Williams, Wyatt, Younce:

H. J. R. 5. MOURNING THE DEATH OF GLENN HEARN.

WHEREAS, Glenn Hearn of Madison County, served with distinction as a member of the Alabama Legislature from 1970 through 1974; and

WHEREAS, previously he served the City of Huntsville as its Mayor from 1964 through 1968, being its first full-time Mayor; and

WHEREAS, prior to his entry into politics Glenn Hearn was an outstanding and highly effective agent of the Federal Bureau of Investigation; and

WHEREAS, upon his retirement from politics Glenn Hearn was appointed and served for some two years as director of the Madison County personnel system, in which capacity he again performed in an exemplary manner; and

WHEREAS, Madison County and the City of Huntsville enjoyed great progress and prosperity as a result of the leadership furnished by Glenn Hearn; and

WHEREAS, Glenn Hearn served his community, state and nation for the entire period of his adult life in many and countless ways; and

WHEREAS, on January 7, 1978, Glenn Hearn departed this life, survived by his beloved wife, Ann, three fine children, several grandchildren and legions of friends; and

WHEREAS, Glenn Hearn will be sorely missed by his family and friends and all those who knew him.

NOW, THEREFORE, BE IT RESOLVED by the Alabama Legislature, both houses thereof concurring, that we do deeply mourn the death of Glenn Hearn and do further extend our deepest sympathy to his family and friends.

BE IT FURTHER RESOLVED that copies of this resolution be sent to the family of Glenn Hearn.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 5, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Campbell:

H. J. R. 12. CREATING THE COURT MANAGEMENT LEGISLATIVE STUDY COMMITTEE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there shall be a Joint Legislative Study Committee composed of three (3) Senators appointed by the Lieutenant Governor and three (3) Representatives appointed by the Speaker of the House to work with the Department of Court Management (or) the Unified Judicial System in case Court Management is abolished) for the purpose of studying, investigating and determining the judgeships that are needed in each circuit.

BE IT FURTHER RESOLVED, That the members of the Court Management Legislative Study Committee shall meet during the regular session of the 1978 Legislature immediately upon appointment; and at which time such members shall select a chairman and a vice-chairman from among their number and adopt such rules as deemed necessary for operation including further meetings.

BE IT FURTHER RESOLVED, That such members shall serve without compensation and shall submit to the legislature by the 15th legislative day a comprehensive report of its findings and recommendations to the legislature.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 12, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Pegues:

H. J. R. 8. POSTPONING THE DAY FOR FILING THE FINAL REPORT OF THE COMMITTEE CREATED BY ACT NO. 755, OF THE 1976 LEGISLATURE.

WHEREAS, Act No. 755, H. J. R. 326, of the Regular Session of the 1976 Legislature created a select joint committee to study the rising cost to the state of the Medicare and Medicaid programs; and

WHEREAS, Act No. 22, S. J. R. 240, of the Regular Session of the 1977 Legislature extended the existence of said committee and directed that the committee report its findings, conclusions and recommendations to the Legislature not later than the tenth legislative day of the 1978 Regular Session; and

WHEREAS, it is deemed wise and expedient that this committee have more time in which to report its findings; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Select Joint Committee to Study the Rising Cost to the State of the Medicare and Medicaid Programs, created by Act No. 755, H. J. R. 326, 1976 Regular Session, report its findings not later than the twenty-ninth legislative day of the 1978 Regular Session.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 8, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Messrs. Barron, Harris, Wyatt, Plaster and Holmes (A):

H. J. R. 6. MOURNING THE DEATH OF JUDGE WILLIAM F. THETFORD.

Also:

By Messrs. Barron, Harris, Wyatt, Plaster and Holmes (A):

H. J. R. 7. CONGRATULATING JUDGE SAM TAYLOR ON HIS APPOINTMENT AS CIRCUIT JUDGE.

Also:

By Messrs. Smith (B), Albright, Riddick, Gregg, Moore (W) and Lutz:

H. J. R. 10. COMMENDING ALABAMA A & M UNIVERSITY ON WINNING THE NATIONAL NCAA DIVISION II SOCCER CHAMPIONSHIP.

Also:

By Mr. Turnham:

H. J. R. 13. HONORING MR. W. R. BRYAN, KEYNOTE SPEAKER, AUBURN LIONS CLUB 50TH ANNIVERSARY CELEBRATION.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolutions, H. J. R. 6, 7, 10, and 13, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Smith (C) and Drake:

H. J. R. 11. CREATING A JOINT INTERIM LICENSE TAG STUDY COMMITTEE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there shall be a joint interim study committee to investigate the issuance of license tags and the feasibility of returning to an annual tag issuance system and it shall submit its findings together with its recommendations to the Legislature by the 6th legislative day of the regular session of the Legislature. The committee shall be composed of three Senators and three Representatives who shall serve without additional pay. The members shall be appointed by the Lieutenant Governor and the Speaker of the House respectively.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 11, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

REPORTS OF COMMITTEES

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills

and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Higginbotham:

S. 113. To exempt Smith's Water Authority in Lee County, Alabama, from the provisions of Section 40-21-82 of the Code of Alabama of 1975, which levies a certain tax on the gross receipts and gross sales of certain utilities.

By Mr. Vacca:

S. 123. To amend Section 40-12-252, Code of Alabama 1975, to allow extended registration and licensing period for fleet owners of rental utility trailers.

By Messrs. Owen, Mims, Proctor, Teague, Stewart, Little, Waldrop, Gilmore, Powell, Mitchell, Higginbotham, Miller, Adams, Ellis, McMillan, Clemon, Perry and Bank:

S. 204. To make an appropriation out of the State general fund to the Alabama Forestry Commission to pay salary increases granted personnel by the Legislature.

By Messrs. Gilmore, Vacca and Wilson:

S. 248. To amend Act No. 760, H. 176, Regular Session 1967, which Act provided for a supplemental appropriation of \$100.00 from the Special Education Trust Fund for each American Legion and American Legion Auxiliary scholarship awarded; in order to extend the number of such scholarships.

By Messrs. King, Fine, Mitchell, Little, Stewart, Goodwin, Miller, Ellis, McMillan, Perry, McDonald (A), Vacca, Wilson, Roberts, Teague, Jones, Owen and Peden:

S. 179. To amend Section 40-18-20 of the Code of Alabama 1975, relating to a state income tax exemption for military retirement benefits so as to provide further for such exemption.

By Messrs. Owen and Goodwin:

S. 202. To amend Section 2, Subsection 19(g)(4) of Act No. 636, H. 481 of the 1977 Regular Session, which act makes appropriations from the general fund of the state treasury for the ordinary expenses of the executive, legislative and judicial functions of government for the fiscal year ending September 30, 1978, so as to allow the Department of Conservation to expend from its allotted appropriation in the Marine Resources Fund monies for certain capital outlay purposes.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Bank (With Substitute):

S. 35. To amend Section 12-19-3 of the Code of Alabama, 1975, so as to further regulate the county purchase of certain supplies and equipment in the unified judicial system.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxa-

tion, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. King, McDonald (A) and Peden:

S. 279. To provide that the Commissioner of the Revenue Department may enter into reciprocal agreements on behalf of the State of Alabama with the duly authorized representatives of any of the States of the United States, the District of Columbia, or a State or Province of a foreign country, or a territory or possession of either the United States or of a foreign country, to provide for the registration of vehicles on an apportionment or allocation basis; to become a member of the International Registration Plan developed by the American Association of Motor Vehicle Administrators; to authorize the Commissioner of the Revenue Department to promulgate and enforce such rules and regulations necessary to carry out such agreements; to declare the provisions of this Act severable; and to set the date upon which this Act will become effective.

By Mr. Owen:

S. 201. To exempt Exceptional Children, Inc., Washington County Day Care Center, Sunflower School, from payment of all sales and use taxes.

By Messrs. Mitchell, Adams, Owen, Mims, Little and Jones:

S. 196. To require that the implementation and collection of ad valorem taxes, pursuant to the Statewide Property Reappraisal program, or any statute or federal court order related thereto, shall be effective on a uniform date throughout the state; to authorize certain responsibilities and powers to the commissioner of revenue for establishing such uniform date; and to repeal conflicting laws.

By Messrs. Peden and Fine:

S. 169. To amend Sections 32-9-1, 32-9-24, 32-9-27, 32-9-29, 32-9-30, and 32-9-32 Code of Alabama 1975, as amended, which relate to height, weight, and width requirements for vehicles and loads traveling upon public roads and for the issuance of permits for the movement of oversized vehicles and loads upon the state's public roads, so as to transfer certain responsibilities concerning the regulation of such vehicles and oversized loads from the state highway department to the department of public safety; to provide further for the width requirements for vehicles and loads traveling the state's public roads; to further define loads which are not readily separable; to provide that any office of the department of public safety is authorized to issue certain oversized permits; to prohibit the travel of certain oversized vehicles on interstate highways; to deny the issuance of permits in violation of federal law; to exempt certain farm and agricultural commodities and equipment from the provisions of the title; and to authorize the department of public safety to establish and administer official weighing and measuring stations pursuant to the enforcement of the provisions of the title.

By Mr. Owen:

S. 11. To amend Section 3A, Subsection 13(a) of Act No. 637, H. 482 of the 1977 Regular Session, which act makes appropriations from the State treasury in the Alabama Special Education Trust fund account for educa-

tional purposes for the fiscal year ending September 30, 1978, so as to remove certain limitations imposed on the expenditure of monies appropriated for the operation of the Public Library Service facility.

By Messrs. Vacca and Owen:

S. 49. To provide for the granting of up to six years of creditable service under the Teachers' Retirement System of Alabama for employment-service in public education, which service was rendered outside of the State of Alabama under certain conditions and provided that any member of the Teachers' Retirement System claiming such service must pay the total cost involved therein.

By Mr. Vacca:

S. 56. Prohibiting any state agency from using the barter or similar system for acquiring goods or services; providing that each state agency must record each sales transaction and each purchase transaction; providing that each state agency return to the appropriate fund in the state treasury all revenues generated by sales transactions; and prescribing penalties for violations of the provisions of this act.

By Mr. McDonald (A):

S. 182. To redivide the state into judicial circuits so as to create a Thirty-ninth Judicial Circuit consisting of Limestone County, to create the offices of circuit judge and district attorney in such circuit and provide for appointment to fill certain vacancies; to provide further for salary supplements and expense allowances for certain officers; for these purposes, to amend Code of Alabama 1975, Section 12-11-2; and to make an appropriation for operation of the new circuit.

By Mr. Fine:

S. 257. To amend 1975 Code of Alabama, Section 28-3-16; so as to prohibit the advertising of alcoholic beverages by billboards in "dry" counties; and to permit such advertising in "wet" counties.

By Mr. Owen:

S. 203. To provide safeguards for federal tax return information used in the administration of Alabama revenue laws and to provide penalties for the misuse of such information.

By Mr. Mitchell:

S. 116. To provide for a pay increase for the members of the Enforcement Division of the Public Service Commission who have complied with the Minimum Standards and Training Act and to appropriate necessary funds; to make the effective date of this act October 1, 1978.

By Mr. Bank:

S. 211. To provide for the payment of tuition and the cost of textbooks for an undergraduate student in a state college, junior college, or university, who is the child of a law enforcement officer or fire fighter killed in line of duty; to create a Tuition Eligibility Board to administer the provisions of the Act, and to prescribe its composition, duties and responsibilities; to appropriate necessary funds from the Special Education Trust Fund.

By Mr. Owen:

S. 198. This bill provides that the Department of Revenue is to

deposit tax collections in a Banking Institution to the credit of the Treasurer of the State of Alabama, certifying to the Treasurer such deposit and repealing all laws in conflict with this Act.

By Mr. Mitchell:

S. 119. To amend Section 40-6-3 of the Code of Alabama 1975, as amended, so as to provide further for the compensation of supernumerary tax collectors, tax assessors and license commissioners or other elected officials charged with the assessment and/or collection of any ad valorem taxes in the various counties of the State of Alabama having a population of less than 600,000 inhabitants.

By Mr. Vacca:

S. 57. To amend further Act No. 763, H. 286, Regular Session 1973 (Acts 1973, p. 1145), which relates to subsistence allowances for law enforcement officers while on duty and to authorize expenditures of funds for that purpose, so as to add Department of Finance, Division of Service.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Peden (With Substitute):

S. 205. To authorize Alabama Public School and College Authority to sell and issue two hundred million dollars (\$200,000,000) aggregate principal amount of additional bonds for capital improvements for public educational purposes including libraries, laboratories and facilities for athletics, recreation and physical education, and research facilities, including the acquisition of land, including colleges and universities, vocational-technical institutes, junior colleges, elementary-secondary school systems and special schools; to provide for details of the said bonds and for the public sale thereof; to make an appropriation and pledge for payment of the principal of and interest on the bonds of proceeds from specified excise taxes to the extent necessary to pay the said principal and interest at their respective maturities; to authorize the Authority to pledge for payment of the principal of and interest on the bonds the moneys so appropriated and pledged; to provide that the bonds shall be limited obligations of the Authority payable solely out of the funds so appropriated and pledged and will not create a debt or obligation of the state; to provide that the bonds and the income therefrom shall be exempt from taxation in this state and the bonds may be used to secure deposits of funds of this state and its political subdivisions, instrumentalities and agencies, and for investment of fiduciary funds; to authorize the issuance by the Authority of refunding bonds for the purpose of refunding the principal of any then outstanding bonds theretofore issued by either the Authority or Alabama Education Authority or both, and the expenses of such refunding and any premiums necessary to retire those so refunded; to provide that after payment of the expenses of the issuance of the bonds the proceeds from the sale thereof shall be disbursed on orders or warrants issued by or under the direction of the Authority for purposes for which they are authorized to be issued; and to provide that if any portion of this Act should be held invalid such holding shall not affect the validity of any other portion thereof.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxa-

tion, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Peden:

S. 52. Proposing an amendment to the Constitution of Alabama to provide a retirement pension for certain former governors of the State.

The above Bill was read a second time at length as required by the Constitution.

By Mr. Vacca:

S. 55. To exempt the Our Lady of Angels Monastery, Inc., from the payment of all state, county and municipal sales and use taxes.

By Mr. Edwards:

S. 174. To exempt the Garden Club of Alabama, Inc., a non-profit organization, from the payment of all state, county and municipal sales and use taxes.

By Messrs. McDonald (A), Mims, King, Adams, Fine, Teague, Little, Goodwin, Bank, Wilson, McDonald (S), Perry, McMillan and Baker:

S. 183. To amend Section 40-23-4 of the Code of Alabama 1975, providing exemptions from the state sales tax so as to further provide for an exemption for diesel oil and tractor fuel used on a farm for agricultural purposes.

By Messrs. McDonald (A), Peden, Goodwin and King:

S. 184. To make a supplemental appropriation, from the general fund of the state treasury for the fiscal year ending September 30, 1978, to the Bureau of Publicity and Information.

By Mr. Fine:

S. 8. To provide a tax credit on state income tax liability for Alabama taxpayers who install solar energy systems on their homes.

By Mr. Bank:

S. 207. To exempt the state headquarters only of the American Legion, the American Veterans of World War II, Korea and Viet Nam (a/k/a "AM-VETS"), the Disabled American Veterans, and the Veterans of Foreign Wars (a/k/a VFW) from the payment of all state, county and municipal sales and use taxes.

By Mr. Bank:

S. 208. To amend Sections 3, 4, 5 subsection (c), Section 7 subsection (c), and Section 8 of Act No. 863, 1975 Regular Session, approved October 7, 1975, which established the Alabama Firefighters' Personnel Standards and Education Commission, so as to provide further for the Executive Secretary and clerical assistants of the Commission, to provide that the members of this Commission shall receive per diem for each meeting plus travel expenses as provided by state travel law, to provide a quorum shall be a majority of the

members, to provide the employment of an Assistant to the Executive Secretary as duties and functions may require, to correct reference in Section 8 to read "Section 7", and to further provide a 12 months period for applicant to complete 240 hours training.

By Mr. Owen:

S. 200. This bill creates an investment committee to supervise the investment of state funds. It provides for the method of appointment. It provides for the employment of an investment specialist. It sets the compensation for the committee members and the maximum compensation that can be paid to the specialist. It provides for the meeting of the committee and repeals all laws in conflict with this Act.

Mr. St. John, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Little:

S. 68. To amend Section 23-1-6, Code of Alabama 1975, which provides for the highway department to regulate and control the placing of markers, signs, and advertising on the right-of-way of all state controlled highways; to prohibit the placing of any commercial sign, display, device, notice, figure, painting, drawing, message, placard, poster, billboard, or other thing which is designed, intended, or used to advertise on the right-of-way of any road, highway or bridge which is a part of the state highway system whether title to said right-of-way be vested in the State of Alabama in fee, by easement, adverse possession, prescription or by any other means in which title may vest; provide for removal of said signs and penalty for the violation of any provisions of this act, and to repeal any and all laws that conflict with any provision of this act.

By Mr. Owen:

S. 28. To prescribe that any county or state elected public officer, who is convicted of any crime arising out of or in connection with his public trust and committed during his term of office, automatically shall forfeit all rights to state or county retirement benefits except those monetary contributions made by him.

By Mr. King:

S. 10. To amend Act No. 753, H. 497, Regular Session 1976 (Acts 1976, p. 1037), which act provides for voluntary anatomical donations of the human body or parts thereof, so as to exclude persons under the legal age of majority from making such donations.

Mr. St. John, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendment, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Shelby (With Amendment):

S. 59. To amend Section 2605 of Act No. 607, S. 33 of the 1977 Regular Session of the Legislature, entitled, "An Act To provide an entirely new criminal code for the State of Alabama; defining offenses, fixing punishment;

repealing numerous specific code sections and statutes that conflict herewith as well as other laws that conflict with this act," so as to provide that criminal trespass in the first degree is a Class B felony.

By Mr. Peden (With Amendment):

S. 127. To prohibit District Attorneys, Solicitors or other prosecuting attorneys from releasing or otherwise making public any information concerning any person, firm or corporation undergoing investigation for commission of a criminal offense, and further prohibiting District Attorneys, Solicitors and other prosecuting attorneys from releasing or otherwise making public that any person, firm or corporation is being investigated for the commission of a criminal offense until an indictment has been returned against such person, firm or corporation.

Mr. St. John, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. McDonald (A):

S. 190. To further amend Section 37-1-51 of the Code of Alabama 1975, as amended, which section relates to local traffic control devices, so as to allow motor vehicles in certain circumstances to turn right or left on a red traffic signal.

By Mr. Pearson:

S. 6. Relating to the appointment of a curator of the property of persons residing in this state who shall become physically incapacitated, feeble-minded or epileptic, or so mentally and physically defective by reason of age, sickness, the use of drugs, excessive use of alcohol or other causes, and authorizing such curator to take charge of, manage and conserve the property of such person and relating to the effect of the appointment of a curator as to any such person.

By Mr. Pearson:

S. 7. Relating to the appointment of a curator of the property of persons residing in this state who shall become physically incapacitated, feeble-minded or epileptic, or so mentally or physically defective by reason of age, sickness, the use of drugs, excessive use of alcohol or other causes, and authorizing such curator to take charge of, manage and conserve the property of such person and relating to the effect of the appointment of a curator as to any such person.

By Mr. Shelby:

S. 268. To provide that any defendant represented by counsel in a criminal case may enter a written plea of not guilty prior to his arraignment, and that such plea shall constitute a waiver of his right to have an arraignment at which he is present in person or represented in person by an attorney.

By Mr. Shelby:

S. 266. To amend Act No. 754, S. 231, Regular Session 1976 (Acts 1976, p. 1038), relating to certain alternative sentencing of convicted offenders, so as to provide further for the period of time for which an offender may be incarcerated.

By Mr. Perloff:

S. 161. Relating to criminal procedure; to further regulate an accused felon's right to a trial by jury in certain criminal proceedings in the courts of this state.

Mr. Vacca, Vice Chairman of the Standing Committee on Banking, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Jones:

S. 301. To amend Code of Alabama, 1975, § 5-9-40 through § 5-9-43 to authorize any banking corporation or trust company organized under the laws of this State to convert into and merge or consolidate with a national banking association without the approval of any state authority but with the consent of the holders of a majority in amount of its stock, to provide that stockholders' meetings for such purposes be called by resolution of the board of directors, to provide the procedure for notice or waiver of notice to stockholders of such meetings, to provide for the vesting in such national banking association of all of the rights, title to, and interest in the property of such state banking corporation or trust company, and for the exercise by such state banking corporation or trust company in respect to any person, estate, creditor, depositor, trustee or beneficiary of any trust and in respect to any executorship, trusteeship, administration of estate or other similar fiduciary relation, to provide that the rights of dissenting shareholders be governed by the applicable laws of Congress, to entitle dissenting shareholders to receive in cash the value of their shares in the state bank, to provide that general, local or local laws of general application to the contrary notwithstanding any bank a party to a merger, conversion or consolidation may, regardless of the county of location of the principal office of such bank, continue to maintain and operate all banking offices maintained and operated at the time of said merger, conversion or consolidated and with appropriate regulatory approval, establish additional banking offices in counties where banking offices are maintained at the time of the merger, conversion or consolidation to the extent permitted to banks having their principal or other banking office in such county, to repeal inconsistent laws, and to provide that the provisions of this Act shall be severable.

Mr. Jones, Chairman of the Standing Committee on State Government, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment and it was read a second time and placed on the calendar, to-wit:

By Messrs. Perry, Goodwin and Jones (With Amendment):

S. 21. To require any utility or telephone company that is required to obtain a certificate of public convenience and necessity under Section 37-2-4 or Section 37-4-28 of the 1975 Code of Alabama from the Alabama Public Service Commission for the construction or operation of any facility to give notice of the filing of such application with said Commission to the owners of all lands which are proposed to be acquired for the construction or operation of the facility for which the certificate of convenience and necessity is sought, and to provide that such owners shall be entitled to be heard and to participate in such certificate proceedings; to repeal all laws or parts of laws in conflict herewith and to provide for the effective date of this act.

Mr. Jones, Chairman of the Standing Committee on State Government, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Perry, Goodwin and Jones:

S. 22. To further amend Code of Alabama, 1975, Section 37-1-80, so as to define the reasonable value of a public utility's property to be used as a rate base in fixing utility rates; to eliminate therefrom the amount of new investment to be added in the year immediately following the test period used in arriving at the value of such utility's property; to provide that determination of the rate base shall be calculated on the basis of such reasonable value of the property components of the rate base in service as of the end of the most recent 12-month period available; to exclude from the rate base, or in the alternative to require a zero return, on any part thereof arising from or provided by funds available to the utility without cost to it, unless effectively required to be allowed by an act of Congress; to exclude from the rate base any lands acquired after the effective date of this Act by any utility for a use which will require a certificate of convenience and necessity until and unless such certificate of convenience and necessity is issued by the Alabama Public Service Commission; to repeal conflicting laws and to fix the effective date of this Act.

By Messrs. Perry, Goodwin and Jones:

S. 23. To require refunds or repayment to customers by the affected utility or telephone company of any utility or telephone rates or charges judicially held to be excessive.

By Messrs. Perry, Goodwin and Jones:

S. 24. To prohibit any telephone company, through any interconnecting or other agreement with South Central Bell Telephone Company, or its successor, or otherwise, from receiving an automatic increase in its net return, as the result of any order of the Alabama Public Service Commission or court granting an increase to South Central Bell Telephone Company, or its successor, in its intrastate net return; to repeal all laws and parts of laws in conflict herewith, and to provide the effective date of this Act.

Mr. Jones, Chairman of the Standing Committee on State Government, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Perry, Goodwin and Jones (With Amendments):

S. 25. To provide for and require competitive bidding on specified contracts for labor, services, or work, and for the purchase of materials, equipment, supplies or other personal property, made by or on behalf of any public utility or telephone company doing business in the State of Alabama, and prescribing penalties.

Mr. Jones, Chairman of the Standing Committee on State Government, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Perry, Goodwin and Jones:

S. 26. Relating to appeals from the actions or orders of the Alabama Public Service Commission in certain cases; providing for the time, manner and procedure for taking such appeals and for the effect thereof; providing for the construction of this Act; and repealing all laws and parts of laws in direct conflict or inconsistent with the provisions of this Act.

Mr. Jones, Chairman of the Standing Committee on State Government, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, it was read a second time and placed on the calendar, to-wit:

By Messrs. Perry, Goodwin and Jones (With Amendment):

S. 27. To provide the procedure and conditions under which any utility or telephone company regulated by the Alabama Public Service Commission may increase or decrease any customer's billing for intrastate utility or telephone service by reason of the application of any fuel or tax rate, clause or rider on and after the effective date of this Act.

Mr. Jones, Chairman of the Standing Committee on State Government, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Waldrop:

S. 136. To create a Commission on Physical Fitness to supersede the Commission on Physical Fitness created by Sections 22-5-1 through 22-5-9, Code of Alabama 1975; to abolish the commission created by the said code sections; to prescribe the powers, duties, and authority of the newly created commission; to provide for the selection, term, qualifications, powers, duties, authority and compensation of the members thereof; to provide for the appointment, duties, and compensation of an executive secretary who shall be covered by the state merit system; to provide for other employees; and to repeal conflicting laws, specifically Sections 22-5-1 through 22-5-9, Code of Alabama 1975.

By Mr. Perry:

S. 262. To provide that delivery personnel of any corporation, agency or business which charges a fee from patrons or customers for the purpose of delivering mail must use sidewalks and must not traverse lawns or other private property not normally used as a walkway.

By Mr. Shelby:

S. 67. To require certain financial disclosures by the state treasurer, assistant state treasurer or any other employee in the state treasurer's office earning greater than \$15,000 annually, of any personal loans made to them or any member of their immediate family or to any business with which they or their immediate family members are associated, from any financial institution in which state funds are deposited by the state treasurer's office.

RESOLUTIONS

Mr. Vacca offered the following Senate Joint Resolution, to-wit:

S. J. R. 46. WHEREAS for the proper and efficient functioning of

Alabama's new Unified Court System it is necessary for the Judicial and Legislative branches to act in cooperation and mutual assistance and to provide a maximum exchange of information; and

WHEREAS the Chief Justice of the Alabama Supreme Court, the Honorable C. C. Torbert, has agreed to address a joint meeting of the House and Senate and to outline the policy and financial needs of the state's court system which affect all Alabamians.

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING That all Associate Justices of the State Supreme Court and all judges of the two State Appellate Courts be issued an invitation to attend the special joint session of the Legislature in the House chamber on Tuesday, January 17 at 2:00 p.m. for the purpose of hearing the Chief Justice's address.

BE IT FURTHER RESOLVED That all Associate Justices and State Appellate Judges be provided a copy of this resolution upon its approval by both houses.

On motion of Mr. Vacca, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Mims offered the Following Senate Joint Resolution, to-wit:

S. J. R. 47. MEMORIALIZING PRESIDENT CARTER AND THE U. S. CONGRESS TO TAKE AFFIRMATIVE STEPS IN RESTORING THE BALANCE OF AMERICAN AGRICULTURE.

WHEREAS, the farmers of this nation are the very foundation upon which this country was built; and

WHEREAS, agriculture is over a billion dollar business in this state and as such is the key industry in Alabama; and

WHEREAS, the farmers of this state and nation represent only four per cent of the population but feed and clothe the remaining 96 per cent; and

WHEREAS, farmers should be allowed to expand, develop and compete in all potential domestic and foreign markets without fear of embargoes or restrictions; and

WHEREAS, the income of Alabama farmers dropped to a disastrous level in 1977 due to extremely unfavorable weather conditions and low farm prices; and

WHEREAS, the low income situation placed a heavy burden upon Alabama farmers which is causing grave concern and dissatisfaction among the farmers; and

WHEREAS, the drastic economic plight confronting Alabama farmers endangers the continued growth and progress of our great state;

NOW THEREFORE, BE IT RESOLVED that the Alabama Legislature, through means of this resolution, show its support to those Alabama farmers who pursue sound, constructive and legal means to improve the economic conditions of agriculture and that we urge Congress to assure that government programs for farms are responsive to the demands for short term production needs and for long term sustained development of American agriculture, recognizing that a strong agriculture provides for a strong, healthy nation.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the President of the United States, the Alabama Congressional delegation, the Secretary of Agriculture, and the Governor of the State of Alabama.

Which was read and referred to the Standing Committee on Rules.

Messrs. Edwards and St. John offered the following Senate Joint Resolution, to-wit:

S. J.R. 48. MOURNING THE DEATH OF THOMAS COLEMAN PETTUS.

WHEREAS, the Legislature of Alabama regretfully notes the death of Thomas Coleman Pettus of Moulton, Alabama, on August 8, 1977, in Birmingham, Alabama, at the age of 69; and

WHEREAS, Thomas Pettus, Lawrence County solicitor and district attorney for 20 years, attended Birmingham Southern College and was a graduate of Cumberland School of law; he was a member of the Lawrence County, Alabama and American Bar Associations, a member also of the President's Committee on Employment of the Handicapped and the National Rehabilitation Association; he further served as former president of the Lawrence County Mental Health Association; and

WHEREAS, Mr. Pettus was an active participant in all phases of the American Red Cross, from Chairman of the fund-raising program to chairman of the blood donation drive, and also was instrumental in establishing a clinic for alcoholics in Decatur in 1960; and

WHEREAS, he was a charter member of both the North Alabama and the Tennessee Valley Historical Associations, and was an actively involved and participating member of the Moulton Methodist Church; and

WHEREAS, Thomas Pettus was a most highly respected and beloved member of his community who will be deeply missed and long remembered by his family, his many friends and associates; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do greatly mourn the death of Thomas Coleman Pettus of Moulton, Lawrence County, Alabama; we extend our deepest sympathy to his wife, Mrs. Margaret L. Pettus, and to their two children, Thomas Coleman Pettus, III, and Gayle Pettus Burch.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the family of Mr. Pettus, that they may know of our shared sorrow in their great loss.

On motion of Mr. Edwards, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Little, Adams, Baker, Bank, Edwards, Ellis, Gilmore, Higginbotham, Jones, King, McDonald (A), Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, St. John, Teague and Vacca offered the following Senate Joint Resolution, to-wit:

S. J. R. 49. EXTENDING HEARTIEST BIRTHDAY WISHES TO OUR DOORKEEPER, BRUCE PEEK.

Whereas, It has been called to our attention that today, January 12, is the 72nd birthday of Mr. Bruce Peek, distinguished doorkeeper of the Senate; and

Whereas, in the past several years Mr. Peek has done an outstanding job in helping to maintain order in the halls of the Legislature; and

Whereas, we are all proud to call Bruce Peek our friend; his friendliness and kind manner have endeared him to all with whom he comes in contact; now, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That we do extend to Bruce Peek our hearty best wishes for a very happy birthday, and wish him many more years of health and happiness.

BE IT FURTHER RESOLVED That a copy of this resolution be sent to Mr. Peek.

On motion of Mr. Little, the Rules were suspended and the Resolution was adopted by the Senate.

MOTIONS IN WRITING

Mr. Little offered the following Motion in Writing, to-wit:

MOTION TO AMEND THE RULES

Mr. President:

Pursuant to the Notice in Writing previously given, I move that Rule 20 of the Rules of the Senate be amended to read as follows:

Rule 20. The Committee on Rules may at any time report a special rule that debate on a pending measure shall cease at a certain hour and a vote be taken on the measure. In addition thereto a petition signed by six or more senators to the effect that debate on a pending measure shall cease at a certain hour and a vote be taken on the measure filed with the Secretary while the Senate is in session, shall have the same effect as a report of the Committee on Rules regarding debate. The consideration of such special rule shall not exceed thirty minutes, when a vote shall be taken thereon; and if three-fifths of the members elected shall vote to limit debate, then said rule shall have been adopted by the Senate.

Which was read and, on objection by Mr. Peden, referred to the Standing Committee on Rules.

Mr. Little then offered the following Motion in Writing, to-wit:

MOTION TO AMEND THE RULES

Mr. President:

Pursuant to the notice in writing previously given, I move that Rule No. 62 of the Rules of the Senate be amended to read as follows:

Rule 62. When a committee has decided adversely to any bill or resolution, such action shall be endorsed thereon and the bill or resolution shall be delivered forthwith to the Secretary, who shall note the unfavorable report on the register or docket of bills. The Secretary shall keep and print a

calendar of adversely reported bills and resolutions, adding bills and resolutions from day to day without reprinting. Said adverse calendar shall include all bills and resolutions carried over indefinitely. Any Senator may, after one day's written notice, on the day named in the notice, after the call of standing committees, move the second reading of such bill or resolution. By a majority vote of the entire Senate, the bill or resolution may be read by its title a second time and be placed on the calendar. Only thirty minutes to the side shall be allowed for the discussion of such motion, which time may be divided as the Senators favoring or opposing the same may agree, for their respective sides.

Which was read and, on objection by Mr. Peden, referred to the Standing Committee on Rules.

NOTICES IN WRITING

Mr. Mitchell offered the following Notice in Writing, to-wit:

NOTICE IN WRITING OF MOTION TO AMEND RULES

Notice is hereby given in accordance with the Senate Rules that on the next legislative day a motion will be made to amend Senate Rule No. 7 to read as follows:

Rule 7. After reading the Journal, except as provided elsewhere in these rules, the regular order of transacting business shall be as follows:

1. Signing of bills
2. Call of districts
3. House messages
4. Reports from Standing Committees
5. Reports from Select Committees
6. Motions and Resolutions
7. Call of local uncontested bills
8. Bills on third reading on regular calendar
9. Special orders of the day at twelve o'clock noon
10. Other business

Which was read and ordered spread upon the Journal.

Mr. Mitchell then offered the following Notice in Writing, to-wit:

NOTICE IN WRITING OF MOTION TO AMEND RULES

Notice is hereby given in accordance with the Senate Rules that on the next legislative day a motion will be made to amend Senate Rule No. 40 to read as follows:

Rule 40. No member shall speak more than twice in any one debate on the principal question or main motion, without leave of the Senate, and none shall consume more than one hour at each time, and no member shall speak more than once on any amendment or other motion and none shall consume more than 30 minutes at each time. The originator of the pending question, or

the chairman of the committee reporting the measure, shall have the right to conclude the debate, which right cannot be cut off by motion to table. The originator of the pending question shall have precedence.

Which was read and ordered spread upon the Journal.

Mr. Mitchell then offered the following Notice in Writing, to-wit:

NOTICE IN WRITING OF MOTION TO AMEND RULES

Notice is hereby given in accordance with the Senate Rules that on the next legislative day a motion will be made to add Senate Rule 40(a) to read as follows:

Rule 40(a). When a question is under debate, no more than five (5) of the following motions (or any combination thereof) shall be allowed by the presiding officer to be directed at that question, viz, to postpone indefinitely, to postpone to a certain day, to commit, or to carry over temporarily or a time certain.

Which was read and ordered spread upon the Journal.

Mr. Mitchell then offered the following Notice in Writing, to-wit:

NOTICE IN WRITING OF MOTION TO AMEND RULES

Notice is hereby given in accordance with the Senate Rules that on the next legislative day a motion will be made to add Senate Rule 1(a) to read as follows:

Rule 1(a). The suggestion of no quorum by a member is a question of order and is therefore in order at any time. A member desiring to call attention to the fact that no quorum is present shall arise and address the presiding officer and without waiting to be recognized say, "I suggest the absence of a quorum." The presiding officer may then count the members present and declare a quorum present or he may order a call of the roll of the members to determine the question of a quorum. When the fact that a quorum is not present has been disclosed upon a question of no quorum, by roll call, business will be suspended, but no motion to adjourn shall be in order until a period of 30 minutes has passed. During such time period, it shall be the duty of the secretary to notify absent members and compel their attendance.

Which was read and ordered spread upon the Journal.

Mr. Mitchell then offered the following Notice in Writing, to-wit:

NOTICE IN WRITING OF MOTION TO AMEND RULES

Notice is hereby given in accordance with the Senate Rules that on the next legislative day a motion will be made to add Senate Rule 7(a) to read as follows:

Rule 7(a). After a bill has been favorably reported from committee, any member may place that bill on a special order calendar, to be known as the "Consent Calendar", which calendar shall be kept by the secretary and shall be printed at the end of the regular calendar. If two (2) or more members object to a bill being on the consent calendar, then such objection shall be noted in the journal and the bill shall be removed from the consent calendar and placed on the regular calendar, provided however such objection must be

made while the Senate is in session and within five (5) legislative days of the bill first appearing on the consent calendar. The consent calendar shall be called after uncontested local bills on the seventh legislative day and every fifth legislative day thereafter until the conclusion of the session, and no bill shall be called from the consent calendar, provided however a motion to transfer the bill to the Regular calendar shall be in order at any time the bill is under debate and such motion shall be decided by a majority vote of the Senate.

Which was read and ordered spread upon the Journal.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 3. Relative to a Joint Session of the House and Senate for the Purpose of Hearing the Message of the Honorable George C. Wallace.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

RESOLUTIONS

Pursuant to the provisions of Act No. 512, 1976 Regular Session, the following Senate Joint Resolutions by the Sunset Review Committee were filed with the Secretary and ordered to be held on his desk until the Tenth Legislative Day, to-wit:

S. J. R. 50. Providing for the continued existence of the Board of Medical Examiners.

S. J. R. 51. Providing for the continued existence of the Board of Nursing and Nursing Advisory Council.

S. J. R. 52. Providing for the continued existence of the Board of Dental Examiners.

S. J. R. 53. Providing for the continued existence of the Licensing Board for the Healing Arts.

S. J. R. 54. Providing for the continued existence of the Board of Optometry.

S. J. R. 55. Providing for the continued existence of the Board of Registration for Architects.

S. J. R. 56. Providing for the continued existence of the Board of Examiners of Landscape Architects.

S. J. R. 57. Providing for the continued existence of the Board for Registration of Professional Engineers and Land Surveyors.

S. J. R. 58. Providing for the continued existence of the Board of Registration for Foresters.

S. J. R. 59. Providing for the continued existence of the Peace Officers Personnel Standards and Training Commission.

S. J. R. 60. Providing for the continued existence of the Licensing Board for General Contractors.

S. J. R. 61. Providing for the continued existence of the Art Commission.

S. J. R. 62. Providing for the continued existence of the Alabama Public Library Service.

S. J. R. 63. Providing for the continued existence of the Gulf State Marine Fisheries Commission.

S. J. R. 64. Providing for the continued existence of the Building Authority.

S. J. R. 65. Providing for the termination of the Alabama Youth Council.

S. J. R. 66. Providing for the termination of the Governor's Natural Resources Commission.

S. J. R. 67. Providing for the continued existence of the Governor's Advisory Committee on Pornography.

S. J. R. 68. Providing for the continued existence of the National Governor's Conference.

S. J. R. 69. Providing for the continued existence of the Governor's Cost Control Survey.

S. J. R. 70. Providing for the continued existence of the Southern Growth Policies Board.

S. J. R. 71. Providing for the continued existence of the University of South Alabama.

S. J. R. 72. Providing for the continued existence of the University of South Alabama Medical School and Teaching Hospital.

S. J. R. 73. Providing for the continued existence of the Marine Environmental Sciences Consortium.

S. J. R. 74. Providing for the continued existence of the Board of Barber Examiners.

S. J. R. 75. Providing for the continued existence of the Board of Certification of Water and Waste Water System Personnel.

S. J. R. 76. Providing for the continued existence of the Examiners of Mine Personnel.

S. J. R. 77. Providing for the continued existence of the Board of Public Accountancy.

S. J. R. 78. Providing for the continued existence of the Board of Pharmacy.

S. J. R. 79. Providing for the continued existence of the Board of Hearing Aid Dealers.

S. J. R. 80. Providing for the continued existence of the Council of State Governments.

S. J. R. 81. Providing for the termination of the Legislative Technical Assistance Program.

S. J. R. 82. Providing for the continued existence of the Line Creek Watershed Conservancy District.

S. J. R. 83. Providing for the continued existence of the Ketcheped-rakee Creek Watershed Conservancy District.

S. J. R. 84. Providing for the termination of the Veterans Training Board.

S. J. R. 85. Providing for the continued existence of the Prevailing Wage Commission.

S. J. R. 86. Providing for the continued existence of the Board of Mediation.

S. J. R. 87. Providing for the continued existence of the Industrial Securities Advisory Council.

S. J. R. 88. Providing for the continued existence of the Energy Advisory Council.

S. J. R. 89. Providing for the continued existence of the Civil Air Patrol.

S. J. R. 90. Providing for the continued existence of the Bond Commission for construction of Mental Health Facilities.

S. J. R. 91. Providing for the continued existence of the Alabama Trade School and Junior College Authority.

S. J. R. 92. Providing for the continued existence of the White House of the Confederacy.

S. J. R. 93. Providing for the termination of the Advisory Committee on Factory Built Housing.

S. J. R. 94. Providing for the continued existence of the Alabama Military Hall of Fame.

S. J. R. 95. Providing for the continued existence of the Firefighters Personnel Standards and Education Commission.

S. J. R. 96. Providing for the continued existence of the Registration for Sanitarians.

S. J. R. 97. Providing for the continued existence of the Alabama Board of Examiners in Psychology.

S. J. R. 98. Providing for the continued existence of the Board of Medical Technicians Examiners.

S. J. R. 99. Providing for the continued existence of the State Board of Podiatry.

S. J. R. 100. Providing for the continued existence of the Council on Historic Pilgrimages.

S. J. R. 101. Providing for the continued existence of the Historic Resources Adaptors Council.

S. J. R. 102. Providing for the termination of the State Personnel Safety Committee.

S. J. R. 103. Providing for the continued existence of the John Will Scholarship.

S. J. R. 104. Providing for the termination of the Board of Canvasers of Election Returns.

S. J. R. 105. Providing for the termination of the Consumer Advisory Council.

S. J. R. 106. Providing for the continued existence of the State Board of Physical Therapy.

S. J. R. 107. Providing for the continued existence of the Alabama Real Estate Commission.

S. J. R. 108. Providing for the continued existence of the State Board of Polygraph Examiners.

S. J. R. 109. Providing for the continued existence of the Alabama State Bar and Ala. Board of Bar Examiners.

S. J. R. 110. Providing for the continued existence of the State Board of Examiners of Nursing Home Administration.

S. J. R. 111. Providing for the continued existence of the Motor Sports Hall of Fame.

S. J. R. 112. Providing for the continued existence of the Organized Crime Control Council.

S. J. R. 113. Providing for the continued existence of the Tallasseehatchee Watershed.

S. J. R. 114. Providing for the continued existence of the Pea River Historical and Genealogical Society.

S. J. R. 115. Providing for the continued existence of the State Office of Emergency Planning.

S. J. R. 116. Providing for the termination of the West Alabama Environmental Improvement Authority.

S. J. R. 117. Providing for the continued existence of the State Board of Education.

S. J. R. 118. Providing for the continued existence of the State Department of Education.

S. J. R. 119. Providing for the continued existence of the Advisory Council for the Governor's Committee on the Employment of the Handicapped.

S. J. R. 120. Providing for the continued existence of the State Textbook Commission.

S. J. R. 121. Providing for the continued existence of the Courses of Study Committee.

S. J. R. 122. Providing for the continued existence of the Southern Regional Education Board.

S. J. R. 123. Providing for the continued existence of the High School Athletic Association.

S. J. R. 124. Providing for the termination of the Mobile County Seafoods Advisory Committee.

S. J. R. 125. Providing for the termination of the Student Leadership Committee.

S. J. R. 126. Providing for the termination of the Alabama Inter-Departmental Coordinating Committee for Early Childhood Development.

S. J. R. 127. Providing for the termination of the Alabama Community and Technical Services Agency.

S. J. R. 128. Providing for the termination of the Advisory Board of Indian Affairs.

S. J. R. 129. Providing for the continued existence of The Supreme Court Library Fund.

S. J. R. 130. Providing for the continued existence of the Unified Judicial System.

S. J. R. 131. Providing for the termination of Court Management.

S. J. R. 132. Providing for the continued existence of the Judicial Retirement.

S. J. R. 133. Providing for the continued existence of the Interstate Mining Compact.

S. J. R. 134. Providing for the continued existence of the Alabama Board of Funeral Services.

S. J. R. 135. Providing for the continued existence of the State Board of Chiropractic Examiners.

S. J. R. 136. Providing for the continued existence of the University of Alabama Museum.

S. J. R. 137. Providing for the continued existence of the State Pilotage Commission.

S. J. R. 138. Providing for the continued existence of Council Trenholm State Technical College.

S. J. R. 139. Providing for the continued existence of the County Records Commission.

S. J. R. 140. Providing for the continued existence of the Crooked Creek Watershed.

S. J. R. 141. Providing for the continued existence of the Dauphin Island Park and Beach Board.

S. J. R. 142. Providing for the continued existence of the Deaf and Blind Institute.

S. J. R. 143. Providing for the termination of the DeKalb County-Big Willis Watershed.

S. J. R. 144. Providing for the termination of the Department and Board of Youth Services.

S. J. R. 145. Providing for the continued existence of the Docks Advisory Committee.

S. J. R. 146. Providing for the continued existence of Douglas MacArthur State Technical College.

S. J. R. 147. Providing for the continued existence of J. F. Drake State Technical College.

S. J. R. 148. Providing for the continued existence of the Education Study Commission.

S. J. R. 149. Providing for the continued existence of the Educational Television Commission.

S. J. R. 150. Providing for the continued existence of the Elk River Development Agency.

S. J. R. 151. Providing for the continued existence of the Employees Insurance Board.

S. J. R. 152. Providing for the continued existence of the Enterprise State Junior College.

S. J. R. 153. Providing for the termination of the Etowah County-Big Willis Watershed.

S. J. R. 154. Providing for the termination of the Fire Ant Study Committee.

S. J. R. 155. Providing for the continued existence of the Fire College (Department and Advisory Committee).

S. J. R. 156. Providing for the continued existence of the Fishing Reef Ship Commission.

S. J. R. 157. Providing for the continued existence of Gadsden State Technical College.

S. J. R. 159. Providing for the continued existence of the Geological Survey of Alabama.

S. J. R. 160. Providing for the continued existence of the George C. Wallace State Community College (Dothan).

S. J. R. 161. Providing for the continued existence of the George C. Wallace State Community College (Hanceville).

S. J. R. 162. Providing for the continued existence of the George C. Wallace State Community College (Selma).

S. J. R. 163. Providing for the continued existence of the Gorgas Memorial (University of Alabama).

S. J. R. 164. Providing for the continued existence of the Governor's Committee on State Reorganization.

S. J. R. 165. Providing for the continued existence of the Governor's Mansion Advisory Board.

S. J. R. 166. Providing for the continued existence of Hank Williams Memorial Commission.

S. J. R. 167. Providing for the continued existence of Harry M. Ayers State Technical College.

S. J. R. 168. Providing for the continued existence of the Helen Keller Property Board.

S. J. R. 169. Providing for the continued existence of the Council of Alabama Archeology.

S. J. R. 170. Providing for the continued existence of the Historical Commission.

S. J. R. 171. Providing for the continued existence of J. F. Ingram State Technical Institute.

S. J. R. 172. Providing for the continued existence of the Jacksonville State University.

S. J. R. 173. Providing for the continued existence of the James H. Faulkner State Junior College.

S. J. R. 174. Providing for the continued existence of the Jefferson Davis State Junior College.

S. J. R. 175. Providing for the continued existence of the Jefferson State Junior College.

S. J. R. 176. Providing for the continued existence of the John C. Calhoun State Community College.

S. J. R. 177. Providing for the continued existence of John M. Patterson State Technical College.

S. J. R. 178. Providing for the continued existence of the Junior College Branch of Department of Education.

S. J. R. 179. Providing for the termination of the Juvenile Correctional Study Committee.

S. J. R. 180. Providing for the continued existence of the LaGrange Historical Commission.

S. J. R. 181. Providing for the continued existence of the Lawson State Community College.

S. J. R. 182. Providing for the continued existence of the Legislative Council.

S. J. R. 183. Providing for the continued existence of the Legislative Fiscal Office.

S. J. R. 184. Providing for the continued existence of the Legislative Reference Service.

S. J. R. 185. Providing for the continued existence of the Live In A Landmark Council.

S. J. R. 186. Providing for the continued existence of the Livingston State University.

S. J. R. 187. Providing for the termination of the Lost Creek Watershed.

S. J. R. 188. Providing for the continued existence of the Lurleen B. Wallace State Junior College.

S. J. R. 189. Providing for the continued existence of the Lyman Ward Military Academy.

S. J. R. 190. Providing for the continued existence of the Marion Institute.

S. J. R. 191. Providing for the continued existence of the Meat and Poultry Inspection Advisory Council.

S. J. R. 192. Providing for the continued existence of the Medical Scholarship Awards.

S. J. R. 193. Providing for the continued existence of the Montgomery Institute for Neurological Development.

S. J. R. 194. Providing for the continued existence of the Motion Picture and Television Advisory Commission.

S. J. R. 195. Providing for the continued existence of the Mountain Lakes Association.

S. J. R. 196. Providing for the continued existence of Muscle Shoals Technical Institute.

S. J. R. 197. Providing for the continued existence of the National Veterans Day.

S. J. R. 198. Providing for the continued existence of the Northeast Alabama State Junior College.

S. J. R. 199. Providing for the continued existence of the Northwest Alabama State Junior College.

S. J. R. 200. Providing for the continued existence of Northwest Alabama State Technical College.

S. J. R. 201. Providing for the continued existence of N. F. Nunnelley State Technical College.

S. J. R. 202. Providing for the continued existence of the Office of Prosecution Services.

S. J. R. 203. Providing for the continued existence of the Office of Space Management.

S. J. R. 204. Providing for the continued existence of the Office of the Coordinator of Highway & Traffic Safety.

S. J. R. 205. Providing for the continued existence of Opelika State Technical College.

S. J. R. 206. Providing for the continued existence of the Patrick Henry State Junior College.

S. J. R. 207. Providing for the continued existence of the Permanent Study Committee on Alabama's Judicial System.

S. J. R. 208. Providing for the continued existence of Ed. E. Reid State Technical College.

S. J. R. 209. Providing for the continued existence of the Retirement Systems.

S. J. R. 210. Providing for the continued existence of the Revenue Department.

S. J. R. 211. Providing for the continued existence of Richmond P. Hobson State Technical College.

S. J. R. 212. Providing for the termination of the Riverboat Association.

S. J. R. 213. Providing for the continued existence of Shelton State Technical College.

S. J. R. 214. Providing for the continued existence of Snead State Junior College.

S. J. R. 215. Providing for the continued existence of the Social Security Board.

S. J. R. 216. Providing for the continued existence of the Southern Interstate Nuclear Board.

S. J. R. 217. Providing for the continued existence of Southern Union State Junior College.

S. J. R. 218. Providing for the continued existence of Southwest State Technical College.

S. J. R. 219. Providing for the termination of the Sovereignty Commission.

S. J. R. 220. Providing for the continued existence of the Space Science Exhibit Committee.

S. J. R. 221. Providing for the continued existence of the Sports Hall of Fame Board.

S. J. R. 222. Providing for the continued existence of the State Board of Adjustment.

S. J. R. 223. Providing for the termination of the State Board of Auctioneers.

S. J. R. 224. Providing for the continued existence of the State Capitol Preservation Commission.

S. J. R. 225. Providing for the continued existence of the State Commission on Physical Fitness.

S. J. R. 226. Providing for the continued existence of the State Fair Authority.

S. J. R. 227. Providing for the continued existence of the State Finance Department.

S. J. R. 228. Providing for the continued existence of the State Manpower Planning.

S. J. R. 229. Providing for the continued existence of the State Personnel Board.

S. J. R. 230. Providing for the continued existence of the State Records Commission.

S. J. R. 231. Providing for the continued existence of the State Soil and Water Conservation Committee.

S. J. R. 232. Providing for the continued existence of the State Tenure Commission.

S. J. R. 233. Providing for the continued existence of the Stonewall Jackson Memorial.

S. J. R. 234. Providing for the continued existence of the Sylacauga Nurses Training School.

S. J. R. 235. Providing for the continued existence of the Tallapoosa Highland Lake Association.

S. J. R. 236. Providing for the continued existence of the Tannehill Furnace & Foundry Commission.

S. J. R. 237. Providing for the termination of the Task Force on Environmental Study.

S. J. R. 238. Providing for the continued existence of the Technical College Division (Department of Education).

S. J. R. 239. Providing for the termination of the Tennessee-Mulberry Waterway Commission.

S. J. R. 240. Providing for the continued existence of the Tennessee-Tombigbee Water Development Authority.

S. J. R. 241. Providing for the continued existence of the Terrapin Creek Watershed Conservancy.

S. J. R. 242. Providing for the continued existence of the Tri-Rivers Waterway Development Authority.

S. J. R. 243. Providing for the continued existence of Troy State University.

S. J. R. 244. Providing for the continued existence of Tuscaloosa State Technical College.

S. J. R. 245. Providing for the continued existence of the Tuskegee Institute.

S. J. R. 246. Providing for the continued existence of the University of Alabama System.

S. J. R. 247. Providing for the continued existence of the University of Montevallo.

S. J. R. 248. Providing for the continued existence of the University of North Alabama.

S. J. R. 249. Providing for the continued existence of the U.S.S. Battleship Commission.

S. J. R. 250. Providing for the continued existence of the Veterans Day Promotion in Alabama, Birmingham.

S. J. R. 251. Providing for the continued existence of Walker College.

S. J. R. 252. Providing for the continued existence of Walker State Technical College.

S. J. R. 253. Providing for the termination of the Advisory Committee for Indigent Medical Care.

S. J. R. 254. Providing for the continued existence of the Advisory Council on Alcoholism & Drug Abuse.

S. J. R. 255. Providing for the continued existence of the Agricultural and Industrial Exhibit Commission.

S. J. R. 256. Providing for the continued existence of the Agricultural Center Board.

S. J. R. 257. Providing for the continued existence of the Alabama A & M University.

S. J. R. 258. Providing for the continued existence of the Alabama Academy of Honor.

S. J. R. 259. Providing for the continued existence of the Alabama Advisory Councils on Vocational Education.

S. J. R. 260. Providing for the continued existence of the Alabama Agricultural Center Corporation.

S. J. R. 261. Providing for the continued existence of Alabama Aviation and Technical College.

S. J. R. 262. Providing for the termination of the Alabama Aviation Exhibit Commission.

S. J. R. 263. Providing for the continued existence of the Alabama Building Corporation.

S. J. R. 264. Providing for the continued existence of the Alabama Building Finance Authority.

S. J. R. 265. Providing for the continued existence of the Alabama Commission on Higher Education.

S. J. R. 266. Providing for the termination of the Alabama Constitutional Commission.

S. J. R. 267. Providing for the continued existence of the Alabama Council on the Arts & Humanities.

S. J. R. 268. Providing for the continued existence of the Alabama Department of Archives and History.

S. J. R. 269. Providing for the continued existence of the Alabama Development Office.

S. J. R. 270. Providing for the continued existence of the Alabama Diversion Investigative Unit.

S. J. R. 271. Providing for the continued existence of the Alabama Education Authority.

S. J. R. 272. Providing for the continued existence of the Alabama Hall of Fame.

S. J. R. 273. Providing for the continued existence of the Alabama High School of Fine Arts.

S. J. R. 274. Providing for the continued existence of the Alabama Law Institute.

S. J. R. 275. Providing for the continued existence of the Alabama Occupational Information System.

S. J. R. 276. Providing for the continued existence of the Alabama Peace Officer's Annuity & Benefit Fund.

S. J. R. 277. Providing for the continued existence of the Alabama Planning and Advisory Council for Developmental Disabilities Service and Facilities.

S. J. R. 278. Providing for the continued existence of the Alabama Pollution Control Finance Authority.

S. J. R. 279. Providing for the continued existence of the Alabama Post Secondary 1202 Commission.

S. J. R. 280. Providing for the continued existence of the Alabama Public School and College Authority.

S. J. R. 281. Providing for the termination of the Alabama River Development Authority.

S. J. R. 282. Providing for the continued existence of the Alabama State Hospitals and Partlow State School Bond Commission.

S. J. R. 283. Providing for the continued existence of the Alabama Steer Association.

S. J. R. 284. Providing for the continued existence of the Alabama State University.

S. J. R. 285. Providing for the continued existence of Alabama Technical College.

S. J. R. 286. Providing for the continued existence of the Alabama Women's Commission.

S. J. R. 287. Providing for the continued existence of the Alabama Women's Hall of Fame.

S. J. R. 288. Providing for the continued existence of the Alexander City State Junior College.

S. J. R. 289. Providing for the continued existence of the Ameraport Deep-Draft Harbor and Terminal Commission.

S. J. R. 290. Providing for the continued existence of the Appalachian Regional Commission.

S. J. R. 291. Providing for the continued existence of the Archaeological Advisory Council.

S. J. R. 292. Providing for the continued existence of the Armed Forces Day Commission.

S. J. R. 293. Providing for the continued existence of the Athens State College.

S. J. R. 294. Providing for the continued existence of Atmore State Technical Institute.

S. J. R. 295. Providing for the continued existence of the Auburn University System.

S. J. R. 296. Providing for the continued existence of the Bear Creek Development Authority.

S. J. R. 297. Providing for the continued existence of the Beautification Board.

S. J. R. 298. Providing for the continued existence of Bessemer State Technical College.

S. J. R. 299. Providing for the termination of the Bicentennial Commission.

S. J. R. 300. Providing for the continued existence of the Big Nance Watershed Conservancy.

S. J. R. 301. Providing for the continued existence of the Birmingham Festival of Arts.

S. J. R. 302. Providing for the continued existence of the Birmingham Training Center for Brain Injured Children.

S. J. R. 303. Providing for the continued existence of the Bishop State Junior College.

S. J. R. 304. Providing for the continued existence of the Board of Compromise.

S. J. R. 305. Providing for the continued existence of the Board of Dental Scholarship Awards.

S. J. R. 306. Providing for the continued existence of the Board of Plumbing Examiners.

S. J. R. 307. Providing for the continued existence of the Board of Trustees, Archives and History Department.

S. J. R. 308. Providing for the continued existence of the Bond Commission 1951.

S. J. R. 309. Providing for the continued existence of the Corrections Institution Finance Authority.

S. J. R. 310. Providing for the continued existence of the Brewer State Junior College.

S. J. R. 311. Providing for the continued existence of the Building Commission.

S. J. R. 312. Providing for the continued existence of the Bureau of Publicity and Information (Department and Board).

S. J. R. 313. Providing for the continued existence of the Cahaba River Commission.

S. J. R. 314. Providing for the continued existence of the Camp Sanitation and Safety Advisory Committee.

S. J. R. 315. Providing for the continued existence of Carver State Technical Trade School.

S. J. R. 316. Providing for the continued existence of the Chatahoochee Historic Commission.

S. J. R. 317. Providing for the continued existence of the Chatahoochee Valley Community College.

S. J. R. 318. Providing for the continued existence of Chauncey Sparks State Technical College.

S. J. R. 319. Providing for the continued existence of the Choccolocco Watershed Association.

S. J. R. 320. Providing for the continued existence of the Choc-tawhatchee Watershed Conservancy District.

S. J. R. 321. Providing for the continued existence of the Code Revision Commission.

S. J. R. 322. Providing for the continued existence of the Commission On Aging (Department and Commission).

S. J. R. 323. Providing for the termination of the Commission to Preserve the Peace.

S. J. R. 324. Providing for the continued existence of the Commission on Uniform State Laws.

S. J. R. 325. Providing for the continued existence of the Consumer Protection Agency.

S. J. R. 326. Providing for the termination of the Committee to Survey Living Conditions in State Institutions.

S. J. R. 327. Providing for the continued existence of the Coosa-Alabama Development Authority.

S. J. R. 328. Providing for the continued existence of the Corporation for the Borrowing for Schools.

ADJOURNMENT

At 11:30 A.M., on motion of Mr. Owen, the Senate adjourned until Tuesday, January 17, 1978, at 1 o'clock P.M.

THIRD LEGISLATIVE DAY
TUESDAY, JANUARY 17, 1978

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

PRAYER

The Session was opened with prayer by Rabbi David A. Baylinson, Temple Beth Or, Montgomery, Alabama.

ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, King, Little, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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JOURNAL

On motion of Mr. Fine, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Second Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

U. W. CLEMON,
Chairman.

COMMITTEE REPORT

On motion of Mr. Clemon, the foregoing report was concurred in and the Journal of the Senate for the Second Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. Fine, leave of absence was granted Mr. Jones for today.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Fine:

S. 341. To create the "Alabama Crime Victim's Compensation Commission", to review and determine the validity of claims of certain innocent victims of crimes and award compensation therefor; to establish the membership, powers and duties of the commission; to provide for judicial review; to provide the right of subrogation and restitution actions; to provide that any offender automatically forfeits any rights and interests in any property rights, funds or future interests which are a direct or indirect result of the crime and to stipulate the distribution thereof; to provide penalties for fraudulent claims; and to provide for an effective date.

Committee on Judiciary.

By Mr. Fine:

S. 342. To provide that persons previously convicted for certain violent criminal acts shall not be released on bail or on his own recognizance if he is subsequently charged with the commission of certain violent crimes.

Committee on Judiciary.

By Mr. Fine:

S. 343. To provide that the use of a firearm in the commission or attempted commission of any felony shall be punishable by certain mandatory penalties which shall be in addition to any sentence imposed for the felony committed.

Committee on Judiciary.

By Mr. Fine:

S. 344. To amend the title and Section 7 of Act No. 584, H. 449 of the 1965 Regular Session (1965 Acts, p. 1080), so as to provide that it shall be unlawful for any person to use any facility operated and maintained by Bear Creek Development Authority without first obtaining a user permit authorizing such person or persons to use said facility; and to prescribe penalties for violations.

Committee on Local Government.

By Mr. St. John:

S. 345. To provide that whoever knowingly sells and delivers any coal which has been mixed or loaded in the delivery container together with any substance or material other than coal or together with coal of a different quality with intent to defraud the purchaser of such coal or with the intent to obtain a higher price for such coal by inducing the purchaser to believe that such coal is of a higher quality or different quality than is actually delivered shall be guilty of criminal fraud; and providing penalties therefor.

Committee on Judiciary.

By Mr. St. John (with notice and proof):

S. 346. Relating to Cullman County; providing for and regulating county purchasing and the custody and use of certain county property; divesting the highway department of certain county functions and duties in

relation to roads and bridges in such county, heretofore transferred to it, and revesting such functions in the Cullman County governing body; providing for the construction, maintenance and repair of county roads on the unit basis; providing for the transfer of certain funds, equipment, material and personnel from the state highway department to the county governing body; providing for the payment of salaries of certain county employees; providing that this act shall become effective only upon approval at a referendum election.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 346, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Messrs. McDonald (A) and Mims:

S. 347. To amend Section 8-16-51 of Title 8 of the Code of Alabama 1975 to increase the annual appointment fee required to be paid to the Commissioner of Agriculture and Industries by persons engaged in the business of weighing for hire designated as weighmasters by increasing said annual fee to \$10.00.

Committee on Agriculture.

By Messrs. McDonald (A) and Mims:

S. 348. Relating to cotton gins and the regulations thereof. To amend Section 2-19-61 of Title 2 of the Code of Alabama 1975 relating to the annual permit fee required for the operation of a cotton gin and prescribing the amount of such permit fee.

Committee on Agriculture.

By Messrs. McDonald (A) and Mims:

S. 349. Relating to the membership of the State Board of Agriculture and Industries; to amend §§2-3-1 and 2-3-3 of Title 2 of the Code of Alabama 1975 to provide that the Dean and Director of the School of Agriculture and the Agricultural Experiment Station of Auburn University shall be a member of the State Board of Agriculture and Industries; that any ex officio member thereof may designate or appoint a member of his staff to attend meetings in his place and stead when such ex officio member cannot attend; and, to increase the per diem payable to appointive members to \$50.00 per day for attending meetings of said Board.

Committee on Agriculture.

By Messrs. McDonald (A) and Mims:

S. 350. To further regulate persons performing professional work or services pertaining to entomological, pathological, horticultural, floricultural and tree surgery work as defined and regulated by Chapter 28 (§§2-28-1 through 2-28-12) of Title 2 of the Code of Alabama 1975, and to regulate weed control work which requires the use and application of restricted use pesticides and other pesticides; additional requirements for eradication or control of insect pests, plant diseases and other pests and related activities involving use and application of restricted use and other pesticides to the end that the use and application of such pesticides will be conducted in accordance with requirements of the Federal Insecticide,

Fungicide and Rodenticide Act and the Federal Environmental Protection Agency by prescribing requirements for persons performing such services or work; to provide qualifications for persons performing the aforesaid work; to prescribe the materials used and methods of application of pesticides, the handling and disposal of these materials, identification of equipment used, records to be maintained, and requirements for the issuance of a permit by the Commissioner of Agriculture and Industries to perform such work; other related regulatory requirements; and that the provisions of this Act shall be cumulative or supplemental to other regulatory laws pertaining to the use and application of pesticides, enforcement and penal provisions and the effective date of this Act.

Committee on Agriculture.

By Messrs. McDonald (A) and Mims:

S. 351. To regulate the use of pesticides; authorize the establishment of categories of pesticide applicators; provide for the certification by category of persons who use or supervise the use of toxic and dangerous pesticides; prescribe the requirements for certification; require persons engaging in custom application of pesticides to be licensed; fixing the licensing requirements, fees, record keeping requirements, and financial responsibility requirements; to empower the Commissioner of Agriculture and Industries to administer and enforce the requirements of this Act, prescribing his duties and authority, and to authorize the adoption of rules and regulations for implementation of this Act; to provide for exemptions from the requirements of this Act; to provide enforcement provisions and penalties for violation of this Act; to provide judicial review for persons aggrieved by actions resulting from the enforcement of this Act and to repeal conflicting laws including Sections 2-27-50 through 2-27-63 of the Code of Alabama 1975.

Committee on Agriculture.

By Mr. Baker:

S. 352. To authorize the Attorney General to create within his office a financial investigative unit to investigate "white collar crime"; to authorize the financial investigative unit to investigate educators, legislators, judges, other governmental employees and any person or agency participating as an advisor, consultant or otherwise performing a governmental function; to authorize such unit to investigate fraud, fraudulent business practices and all crimes and offenses affecting government, business, unions, occupations and professions enumerated in Act No. 607, S. 66 of the 1977 Regular Session of the Alabama Legislature, known as the "Alabama Criminal Code"; and to appropriate \$250,000 from the general fund to implement the provisions of this act.

Committee on Judiciary.

By Mr. McMillan:

S. 353. To amend Section 15-13-3, Code of Alabama 1975, relating to admission to bail, so as to further regulate the admission to bail when a defendant is charged with certain offenses and when charged with certain offenses committed while on bail for any previous charge; and to provide for the act to become effective upon the adoption of an amendment to the Constitution of Alabama authorizing the provisions thereof.

Committee on Judiciary.

By Mr. McMillan:

S. 354. To establish an expansion policy for electric utility plants in Alabama; to promote greater efficiency in the use of all existing plants; and to reduce electricity costs by requiring greater conservation of electricity.

Committee on State Government.

By Mr. McMillan:

S. 355. Proposing an amendment to Section 16, Article 1, Constitution of Alabama 1901, relating to the right of all persons to bail before conviction, so as to further provide for exceptions to such right.

Committee on Judiciary.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Pearson:

S. 356. TO AMEND, Section 40-23-35, Code of Alabama 1975, so as to provide for the distribution of the proceeds from the four percent (4%) sales tax to provide that the distribution rate to the State Department of Pensions and Security for the administration of the Food Stamp Act of 1964, Public Law 88-525, 88th Congress, and amendments enacted thereto, shall be five percent (5%) of the value of the coupons issued statewide in excess of the amount paid by recipients (bonus or free stamps) during the immediate prior fiscal quarter; and to change the Food Stamp program from a County/State operation to a State administered program.

Committee on Finance and Taxation.

By Mr. Pearson:

S. 357. To amend the Code of Alabama 1975, sections 40-16-1, 40-16-3, 40-16-4, and 40-16-5, so as to qualify the common parent corporation of a controlled group of financial institutions recognized as a registered bank holding company, as a financial institution as defined in the Code of Alabama 1975, Financial Institution Excise Tax, section 40-16-1, for excise tax purposes and thus exempt from income taxes; so as to prevent taxation of intercompany dividends within such a controlled group of corporations; so as to change the due date of the return required by the department of revenue from within the first 10 days of April in each year, to April 15 of each year; so as to permit qualified controlled corporate groups currently required to file Alabama excise tax returns on a separate basis to file on a consolidated basis; so as to establish a prima facie liability for the amount of excise tax due in accordance with the amount shown to be due by the taxpayer's return; so as to change the due date for the payment of the excise tax assessed from within 30 days of notice of assessment by the department of revenue to April 15 of each year, to provide an interest penalty upon delinquent unpaid balances after April 15, and to provide installment payments in the case of an extension of the due date of the return; so as to provide a statutory period of limitations upon assessment and collection of excise taxes; so as to repeal conflicting laws; and so as to give this Act retroactive effect.

Committee on Banking.

By Mr. Pearson:

S. 358. To regulate occupational therapy; to provide for a short title; to provide for a declaration of purpose; to provide for definitions; to provide for the Alabama State Board of Occupational Therapy, its establishment, terms of office, vacancies, and removal of members; to provide for members of the Board; to provide for administrative provisions and powers and duties of the Executive Board of Alabama; to provide for service of process and official records as prima facie evidence; to provide for licenses as a requirement of practice; to provide for persons and practices not affected by this act; to provide for requirements for licenses; to provide for examinations; to provide for waiver of requirements for licenses; to provide for issuance of licenses; to provide for suspension and revocation of licenses; to provide for renewal of licenses; to provide for fees; to provide for crimes and criminal penalties for violations of this Act; to provide for other matters relative to the foregoing; to provide for severability; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Committee on Health and Welfare.

By Mr. Clemon:

S. 359. To provide for fair dismissal procedures for certain nonprofessional employees, not otherwise covered by the state merit system, at certain public educational institutions and facilities; to provide for and establish a review board to review dismissals of said employees; to provide for the appointment of review board members and their compensation; to define the duties, authority and jurisdiction of the review board; and to provide for judicial review of the decisions of the review board.

Committee on Finance and Taxation.

By Mr. Gilmore:

S. 360. To amend Section 1 of Act No. 516 enacted at the 1955 Regular Session of the Legislature of Alabama, as heretofore amended, to provide that the term "clinical facilities," as defined in said Section 1 of said Act No. 516, shall include any retirement home, retirement apartments or other similar domiciliary facility to be used, operated and maintained either as a part of, or in conjunction with, any nursing home.

Committee on Health and Welfare.

By Mr. Bank:

S. 361. To amend the title and Sections 1, 2, 3, 4, 5, 10 and 11 of Act No. 372, S. 362, Regular Session of 1976, requiring municipalities to provide civil service systems for their law enforcement officers so as to include firefighters under the provisions of said act.

Committee on Local Government.

By Mr. Bank:

S. 362. To require the County Commission or like governing body of each of the several counties to make an annual publication on or before the 30th day of October of each year in a newspaper published in the county of an itemized report showing receipts, expenditures and financial condition of the county on a form to be prescribed by the Chief Examiner of Public Accounts of the State of Alabama and to repeal Sections 11-3-21, 11-3-22 and 11-3-23

Code of Alabama 1975, and to repeal all other conflicting laws local or general.

Committee on Local Government.

By Mr. Bank:

S. 363. To exempt counties and any county entity from liability for property damages or personal injuries or death arising from a defect in the construction, maintenance or upkeep of a public road or bridge; to prohibit the county or county entity from being named as a defendant in any court action arising from said defect; and to provide this act shall not apply to any such actions or proceedings pending on the effective date of this act.

Committee on Judiciary.

By Messrs. McDonald (S), Stewart and McMillan:

S. 364. To establish a board of examiner of interior designers in this state to regulate, examine and issue licenses for individuals who seek to practice interior design, as herein defined, to express legislative intent and provide certain definitions; to provide for membership on the said board and terms of office; to provide certain powers, duties, functions and responsibilities for the board; to provide a system of fees relative to licensing interior designers and providing for the use and disposition of the funds derived from such fees; to provide per diem and mileage for board members when they conduct business; to provide for the unannounced practice of interior design; to provide certain criteria for applicants who seek licenses to practice interior design and to provide for the examination of such applicants; to exempt certain persons from certain examination requirements of the act; to authorize certain reciprocal agreements as to applicants licensed outside the state; to provide for renewal of licenses; to provide for the denial of issuance, revocation or suspension of licenses for certain violations of applicants; to regulate certain aspects of group practice of interior design; to prescribe misdemeanor penalty for violations of the act; to provide for a system of hearing and rehearing of board actions which adversely affect licensees or applicants of the board; to provide appeal to the circuit court for rehearing of board actions; and to provide the circuit court with certain restraining powers for continuing violations of the act.

Committee on State Government.

By Mr. Noonan:

S. 365. To amend Code of Alabama 1975, Section 40-7-64 providing for maintenance of property values and ownership maps in each county after completion of the statewide reappraisal program; providing that the Department of Revenue establish such a program for uniformity of procedures and records; providing that field men involved in classifying property shall have one year experience in appraisal of real property; providing the method for payment of such maintenance appraisal and mapping program. Repeals laws in conflict with this Act.

Committee on Finance and Taxation.

By Mr. Powell:

S. 366. To amend Section 16-25-21 of the Code of Alabama 1975, relating to the method of financing the Teachers' Retirement System so as to provide for the use of local funds to pay the employer's share of retirement

contributions for those employees whose salaries are paid from federal Comprehensive Employment Training Act funds.

Committee on Finance and Taxation.

By Mr. Powell:

S. 367. To amend Section 36-22-16 of the Code of Alabama, 1975, to provide for the compensation of the sheriffs of the several counties in this state.

Committee on Finance and Taxation.

By Mr. Mims:

S. 368. To prescribe a procedure for complaints, investigations, findings and recommendations for payment of damages where purchasers of agricultural, vegetable, flower, tree, shrub and herb seeds suffer damages as a result of such seed not being in compliance with legal requirements which govern the sale thereof or where the seed fail to perform as represented; to create and establish an investigation and arbitration committee for this purpose and to prescribe its powers, duties and authority.

Committee on Agriculture.

By Mr. Mims:

S. 369. To amend § 8-16-5 of the Code of Alabama 1975, relating to the custody of and certification of State standards by the National Bureau of Standards under which weighing and measuring devices are tested and calibrated for accuracy and records to be kept thereof; to provide a procedure under which standards for weighing and measuring devices shall be tested and calibrated for accuracy as prescribed by the National Bureau of Standards.

By Mr. Mims:

S. 370. Relating to Alabama's forestry program; creating the Forestry Study Committee; establishing the membership and prescribing their powers, duties and authority; setting certain guidelines for the operation of the committee; and making an appropriation from the general fund of the state treasury for the fiscal year ending September 30, 1978.

Committee on Agriculture.

By Mr. Teague:

S. 371. To amend Section 39-2-12, Code of Alabama 1975, as amended, relating to payments to contractors on public works contracts so as to provide for an alternate escrow procedure for amounts withheld as retainage under such contracts, and to provide for the conditions under which such an escrow procedure may be utilized.

Committee on Banking.

By Mr. Teague:

S. 372. Relating to attorney fees awarded in Workmen's Compensation cases; amending Section 25-5-90, Code of Alabama of 1975, as last amended, to make reasonable attorney fees in addition to the compensation paid to the workmen or dependants.

Committee on Judiciary.

By Mr. Perloff:

S. 373. Providing that any municipality may legalize the sale or consumption of alcoholic beverages within corporate limits without regard as to whether the sale or consumption of alcoholic beverages is prohibited on a county-wide basis.

Committee on State Government.

By Mr. Adams:

S. 374. To amend Section 7-2-607 of the Uniform Commercial Code, Code of Alabama of 1975, relative to notice to seller of nonconformity of goods tendered and accepted; to provide that institution of legal proceedings within the time prescribed by law shall be sufficient notice in actions involving claims for damages for injury or death to the person; and to make the provisions of Section 7-2-607 as amended available in pending court actions.

Committee on Judiciary.

By Mr. McMillan:

S. 375. To prescribe the eligibility for a pay increase to employees of the state and all its agencies, including institutions of higher learning, who pass the certified professional secretary examination.

Committee on Finance and Taxation.

By Mr. Goodwin:

S. 376. To provide for appointment and designation of Supernumerary Sheriffs of the several counties within this State; to prescribe qualifications for the participants in such commission as Supernumerary Sheriff; to prescribe regulations and procedures for participation in such commission as Supernumerary Sheriff and to repeal conflicting statutes.

Committee on Finance and Taxation.

By Mr. Goodwin:

S. 377. To define certain terms as used in this Act; to provide certain defenses to the liability of manufacturers and sellers in actions arising out of personal injury, death, or property damage allegedly due to defects in manufactured products; to establish a defense of subsequent alteration or modification of manufactured products; to establish a defense of manufacture of a product in accordance with the general state of the art; to establish a defense of manufacture of a product in accordance with applicable statutory or administrative regulations; to establish a defense of failure of any person to exercise reasonable prudence under the circumstance in the use of a manufactured product; to establish a defense of failure of an injured party to take reasonable safeguards, precautions, or actions in the use of a manufactured product; to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this Act; and to provide for the manner in which this Act becomes law.

Committee on Judiciary.

By Messrs. McDonald (A), Miller, King, St. John and Baker

S. 378. Relating to voter registration; to provide for a board of regis-

trars, their duties, terms and compensation; to provide for the registration of electors; to provide for clerical help and office supplies for registrars; to provide for compilation and maintenance of voting records by the board of registrars; to provide for meetings and times and places of registration by the board; to provide for the attendance by at least one registrar at the courthouse on each regular working day except when the full board is in session; to provide for purging of voter lists; to provide the suspension of registration for failure to vote; to require boards of registrars to administer absentee voting; to provide penalties for certain violations; to provide for the publication of the list of registered voters; to provide for deputy registrars; and to repeal Code of Alabama, Title 17, Sections 12 through 54 inclusive, Act No. 585, H. 216, 1949 Regular Session, Act No. 531, S. 101, 1947 Regular Session, Act No. 577, H. 66, 1959 Regular Session, Act No. 253, H. 11, 1964 Special Session, Act No. 346, H. 250, 1945 Regular Session, Act No. 6, H. 18, 1950 Special Session, Act No. 92, H. 169, 1961 Regular Session, Act No. 482, H. 71, 1947 Regular Session, Act No. 266, S. 122, 1949 Regular Session, Act No. 529, H. 283, 1957 Regular Session, Act No. 829, S. 98, 1965 Regular Session, and Act No. 750, H. 247, 1951 Regular Session.

Committee on Constitution and Elections.

By Mr. McDonald (A) (with notice and proof):

S. 379. Relating to Limestone County; to authorize the county commission to provide for clerical and secretarial assistance to the legislative delegation from such county.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 379, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. McDonald (A) (with notice and proof):

S. 380. Relating to Madison County; to prescribe a certain tax stamp procedure for evidencing the payment of all privilege license taxes imposed by the municipalities therein upon the sale, use, consumption, distribution, storage or withdrawal from storage, of all beer, malt or brewed beverages in such county; to empower the governing bodies of such municipalities to promulgate rules and regulations to carry out the purposes of this act and to empower the Sheriff of said county to enforce such rules and regulations.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 380, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. McDonald (A) (with notice and proof):

S. 381. Relating to Limestone County; further regulating the compensation for the board of registrars and the manner of payment therefor from the county general fund.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 381, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. McDonald (A) (with notice and proof):

S. 382. Relating to Limestone County, further providing for the days of meeting and the operation of the county board of registrars and the compensation therefor.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 382, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Teague:

S. 383. To amend Code of Alabama 1975, Sections 16-24-30, 16-24-31 and 16-24-32, so as to provide further for the membership and secretary of the state tenure commission, giving representation on such body to the Alabama State Federation of Teachers; and to redefine a quorum of the commission.

Committee on Education.

By Mr. Teague:

S. 384. To amend Code of Alabama 1975, Section 16-25-19, so as to give the Alabama State Federation of Teachers representation on the board of control of the state teachers' retirement system.

Committee on Education.

By Mr. Teague:

S. 385. To amend Section 37-8-113 of the Code of Alabama 1975, relating to the duties of the superintendent of a railroad so as to require that all locomotives are operated on the right-hand side of the railroad line when leaving the initial home terminal and to provide penalties for violations.

Committee on Commerce, Transportation,
and Utilities.

By Messrs. King, McMillan, Edwards, Stewart, Noonan, McDonald (S), McDonald (A), Baker, Bank, Owen and Roberts:

S. 386. To create the Alabama Travel Commission; to provide for its membership, powers, duties, personnel and compensation; to transfer to the Alabama Travel Commission all the rights, powers, duties, authority, funds, property, books, records and effects of the State Bureau of Publicity and Information created by Chapter 7 of Title 41 of the Code of Alabama, 1975, and/or the office of the Director of Publicity established under the authority

of said Chapter; establishing an Alabama Travel Commission Fund; authorizing the establishment of a Commission to be known as the Alabama Travel Commission; repealing all laws and parts of laws in conflict with the provisions hereof; and providing for the effective date of this Act.

Committee on State Government.

By Messrs. King, Baker, McDonald (A), Pearson, Clemon, Waldrop and Roberts:

S. 387. To appropriate from the Special Educational Trust Fund the sum of \$10,000,000.00 for the fiscal year ending September 30, 1979, to finance certain capital improvements at Alabama Agricultural and Mechanical University in Huntsville, Alabama.

Committee on Finance and Taxation.

By Mr. McDonald (A):

S. 388. To amend Section 12-12-31 of the 1975 Code of Alabama so as to increase the amount which the matter of controversy involves in small claims actions, and to provide that such action can be brought by a corporation with or without representation of an attorney.

Committee on Judiciary.

By Mr. Little:

S. 389. To regulate the practice of soil classification; to provide for the registration of qualified persons as professional soil classifiers; to create a state board of registration of soil classifiers; to provide for the appointment and compensation of its members; to fix the terms of the members of the board and to define the powers and duties of the board; to provide the minimum qualifications and other requirements for registration; to establish fees with expiration and renewal requirements; to provide that certain persons shall be exempt from the provisions of this act; and to provide for the enforcement of this act and prescribe criminal penalties for its violations.

Committee on Agriculture.

By Mr. Little:

S. 390. To provide a county supplement in lieu of all existing county supplements to the salaries of the circuit judges of the thirty-seventh judicial circuit to be paid by the county composing said circuit, to require certain contributions of said judges who participate in the county retirement system, and to repeal conflicting laws.

Committee on Local Legislation No. 1.

By Mr. Little:

S. 391. To provide for a "Judicial Fund" for circuit and district judges of the 37th Judicial Circuit of Alabama; to provide that such fund shall be drawn upon by such judges to cover certain expenses incurred by them from time to time and to provide that such fund shall be financed by the imposition of certain court costs in criminal cases.

Committee on Local Legislation No. 1.

By Mr. Goodwin:

S. 392. To amend Section 38-7-2 of the Code of Alabama 1975 so as to exempt certain church related facilities and programs from the provisions of the Child Care Act of 1971.

Committee on Education.

RECESS

At 1:45 P.M., on motion of Mr. Fine, the Senate took a recess until completion of the Joint Session to hear the message of The Honorable Chief Justice of the Supreme Court.

JOINT SESSION

At 2 o'clock P.M., in accordance with H. J. R. 8, Act No. 4, Special Session 1978, the Senate repaired to the Hall of the House of Representatives for the purpose of hearing the message of The Honorable Chief Justice of the Supreme Court, C. C. "Bo" Torbert.

The Session was called to order by Lieutenant Governor Jere Beasley, President and Presiding Officer of the Senate. A quorum of the Legislature was present.

Thereupon, Chief Justice Torbert was escorted to the chair and delivered his address to the Legislature of Alabama.

(See House Journal for the Message of the Chief Justice)

The purpose of the Joint Session having been accomplished, the Senate returned to its Chamber and was called to order by Lieutenant Governor Beasley.

ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, King, Little, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

H. J. R. 34. CREATING AN INTERIM COMMITTEE TO STUDY HYDROELECTRIC GENERATING UTILIZATION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim committee to study hydroelectric generating utilization in Alabama. Such committee shall be composed of two members of the House of Represen-

tatives to be named by the Speaker of the House and two members of the Senate to be named by the President of the Senate. The chairman of the committee shall be chosen by the members.

It shall be the duty of the committee to study hydroelectric generating utilization in Alabama.

Upon request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work.

The members of the committee shall receive the same pay, per diem and travel expenses that is received when the legislature is in session. The committee shall report their findings, recommendations, and suggested legislation to the legislature. The study commission shall be funded from monies appropriated to the use of the legislature for such purposes.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 34, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Holmes (A):

H. J. R. 37. MOURNING THE DEATH OF SENATOR HUBERT H. HUMPHREY.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 37, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Gafford, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lockett, Lutz, McCluskey, McCorquodale, McCulley, McMillan, McNair, McNees,

Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Thomas, Trammell, Tucker, Turnham, Venable, Waggoner, Ward, Warren, Weeks, Whatley, White, Williams, Wyatt, and Younce.

H. J. R. 36. HONORING THE MEMORY OF EARL CLAYTON PIPPIN.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 36, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

REPORTS OF COMMITTEES

Mr. Noonan, Chairman of the Standing Committee on Seaports and Inland Waterways, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Noonan:

S. 37. To name the I-65 crossing of the Mobile River which is now under construction and scheduled for completion in September, 1980, "The General W. K. Wilson, Jr., Bridge."

By Mr. Noonan:

S. 216. To further amend Section 1 of Act No. 217, S. 23 of the 1967 First Special Session (Acts 1967, Vol. I, p. 259), as amended, which act relates to competitive bidding and the expenditure of public funds, so as to include the Alabama state docks department in the provisions of the act which excludes them from the requirement of competitive bids where the amount is less than \$2,000.00.

By Mr. Noonan:

S. 237. To amend the Title and Sections 1, 3, 4 and 6 of Act No. 703 enacted at the 1976 Regular Session of the Legislature of Alabama to increase the aggregate principal amount of revenue bonds therein authorized to be issued by the Alabama State Docks Department, to increase the maximum amount of and otherwise provide for the special processing charge therein created to pay the principal of and interest on the revenue bonds authorized therein, and to provide for the sale and issuance by the Department of refunding bonds.

By Mr. Noonan:

S. 226. To authorize a transfer between certain funds of the State Docks Department, amending Section 15 of Act No. 311, H. 253, approved August 20, 1957, an act providing for development of inland docks (Acts of Alabama 1957, Vol. I, P. 408), and providing that the amendment shall have retroactive effect.

By Mr. Noonan:

S. 228. To amend further Section 9 of Act No. 1403, H. 46, 1971 Regular Session of the Alabama Legislature (1971 Acts, p. 2363), as amended, which provides for the regulation, inspection and payment of an inspection fee on certain petroleum products so as to provide that there shall be no inspection fee on lubricating oil, kerosene, and diesel fuel used in connection with the operation of boats, yachts, ships or other maritime vehicles.

RESOLUTIONS

Mr. Edwards offered the following Senate Joint Resolution, to-wit:

S. J. R. 329. NAMING THE FORMER TUBERCULOSIS SANATORIUM IN FLINT CITY, NOW OWNED BY THE STATE DEPARTMENT OF MENTAL HEALTH, "THE E. M. 'ED' FRAZIER NORTH ALABAMA REGIONAL HOSPITAL."

WHEREAS, Mr. E. M. "Ed" Frazier, a native of Tennessee and a graduate of the University of Tennessee, was a longtime resident of Decatur, Morgan County, Alabama; and

WHEREAS, Ed Frazier was one of Decatur's most prominent businessmen who, at the time of his death on December 11, 1977, was the owner and operator of Frazier Machinery and Supply Company which he established in 1937; and

WHEREAS, further, he was actively involved in many of the civic and charitable affairs of his community as a member of the Masonic Lodge, a past president of the Decatur Shrine Club, member of the Mayor's Committee of 50, the Chamber of Commerce, Junior Achievement and the Tennessee River Valley Authority; he also was a 40-year member of the Decatur Lions Club and a lifetime honoree of the Alabama Boys and Girls Ranch; and

WHEREAS, he was politically active in the Democratic Party, having attended many of the national party conventions, and also served for some 20 years as North Alabama campaign coordinator for Governor George Wallace; and

WHEREAS, Mr. Frazier was one of our state's most highly respected and productive citizens who devoted his time and talents in dedicated service to others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate the former tuberculosis sanatorium in Flint City, Morgan County, Alabama, now owned by the State Department of Mental Health, "The E. M. 'Ed' Frazier North Alabama Regional Hospital."

BE IT FURTHER RESOLVED, That the proper authorities are directed to cause appropriate signs and markers to be erected and maintained in designating said hospital as "The E. M. 'Ed' Frazier North Alabama Regional Hospital."

Which was read and referred to the Standing Committee on Rules.

Mr. Edwards then offered the following Senate Joint Resolution, to-wit:

S. J. R. 330. AUTHORIZING OFFICIALS OF THE JOHN C. CALHOUN STATE COMMUNITY COLLEGE TO NAME A BUILDING IN COMMEMORATION OF E. M. "ED" FRAZIER.

WHEREAS, Mr. E. M. "Ed" Frazier, a native of Tennessee and a graduate of the University of Tennessee, was a longtime resident of Decatur, Morgan County, Alabama; and

WHEREAS, Ed Frazier was one of Decatur's most prominent businessmen who, at the time of his death on December 11, 1977, was the owner and operator of Frazier Machinery and Supply Company which he established in 1937; and

WHEREAS, further, he was actively involved in many of the civic and charitable affairs of his community as a member of the Masonic Lodge, a past president of the Decatur Shrine Club, member of the Mayor's Committee of 50, the Chamber of Commerce, Junior Achievement and the Tennessee River Valley Authority; he also was a 40-year member of the Decatur Lions Club and a lifetime honoree of the Alabama Boys and Girls Ranch; and

WHEREAS, he was politically active in the Democratic Party, having attended many of the national party conventions, and also served for some 20 years as North Alabama campaign coordinator for Governor George Wallace; and

WHEREAS, Mr. Frazier was one of our state's most highly respected and productive citizens who devoted his time and talents in dedicated service to others; and

WHEREAS, officials of the John C. Calhoun State Community College have requested authority to name a building in honor of E. M. 'Ed' Frazier; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby authorize the naming of a building at the John C. Calhoun State Community College in Decatur, Morgan County, Alabama, in commemoration of E. M. "Ed" Frazier.

BE IT FURTHER RESOLVED, That the proper authorities are directed to cause appropriate signs and markers to be erected and maintained in so designating said building.

Which was read and referred to the Standing Committee on Rules.

Mr. Little offered the following Senate Joint Resolution, to-wit:

S. J. R. 331. HONORING DR. JAMES E. FOY UPON HIS RETIREMENT AS DEAN OF STUDENT AFFAIRS, AUBURN UNIVERSITY.

WHEREAS, the Legislature of Alabama has noted the announced retirement on March 1, 1978, of Dr. James E. Foy, dean of Student Affairs at Auburn University; and

WHEREAS, Dean Foy has been a vital influence in the lives of Auburn students for the past 27 years, giving impetus to many programs and activities which have played a large part in the total development of students; and

WHEREAS, few people have so exemplified the Auburn Spirit as Dean Foy, through his sincere interest in students and his willingness to give of himself in perpetuating that quality of the Auburn student body; and

WHEREAS, although Dr. Foy has been Dean of Student Affairs at Auburn University since 1952, he completed work for the doctorate at Michi-

gan State University in 1969, and at that time acquired the joint title of Dean of Student Affairs and associate professor of counselor education, teaching several courses in that department; and

WHEREAS, Dean Foy has gained the admiration and recognition not only of students but of his peers nationwide as a leader in civic and professional organizations, as well as his church; serving four times as regional vice president of the National Association of Student Personnel Administrators, as president of the Alabama Council of Student Personnel Educators, as chairman of the Southern Deans, and since 1953, as Grand Secretary of Phi Eta Sigma, freshman honorary; and

WHEREAS, Dean Foy was awarded with the highest recognition attainable in his profession in 1975 when he was awarded the Scott Goodnight Award of Honor, and has twice received the Award of Honor from the American Red Cross for his efforts in leading students at Auburn University to establish several world records for donating blood, and is himself a seven-gallon donor; and

WHEREAS, Dean Foy is also a recipient of the Algernon Sydney Sullivan Award which recognizes characteristics of heart and mind in the spirit of devotion and helpfulness to others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, THAT WE MOST HIGHLY COMMEND Dr. James E. Foy on his Distinguished career as an outstanding educator and human being, and extend our sincere best wishes for continued success in all future endeavors.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Dr. Foy as evidence of our admiration and esteem.

Which was read and referred to the Standing Committee on Rules.

Messrs. Perloff, Bank and Owen offered the following Senate Joint Resolution, to-wit:

S. J. R. 332. COMMENDING MR. JOHN A. STANLEY, SR., ON HIS OUTSTANDING VOTING RECORD.

WHEREAS, the Legislature of Alabama has noted with deep admiration the extraordinary voting record of Mr. John A. Stanley, Sr., who registered to vote on November 29, 1926, at the age of twenty-one, casting his first vote for Al Smith against Herbert Hoover, and voting since that time in every election held whether municipal, county, state or national, including even those elections for the purposes of bond issues; and

WHEREAS, Mr. Stanley, born November 28, 1905, is a native of Waynesboro, Wayne County, Mississippi, and voted in that state until 1940 at which time he moved to Mobile, Alabama; his voting chain has remained unbroken even to the extent that returned to Mississippi to cast his vote before his Alabama eligibility was established, he was carried to the polls by ambulance after suffering a ruptured appendix some 28 years ago, and flew to his brother's funeral in 1976 which enabled him to delay departure long enough to cast his vote; and

WHEREAS, further his church membership is with the Chickasaw Baptist Church and he is a PTL "born again Christian"; he also is a prolific poet of note with the majority of his work dedicated to his lovely wife, Lessie, with

whom he shares four daughters, one son, 15 grandchildren and two great-grandchildren; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mr. John A. Stanley, Sr., both for his remarkable voting record and for his active participation in politics; we also commend him on his outstanding talent as a poet.

BE IT FURTHER RESOLVED, That Mr. Stanley receive a copy of this resolution as evidence of our admiration and esteem.

Which was read and referred to the Standing Committee on Rules.

Mr. Higginbotham offered the following Senate Joint Resolution, to-wit:

S. J. R. 333. MOURNING THE DEATH OF SENATOR HUBERT H. HUMPHREY.

WHEREAS, the Legislature of Alabama has noted with a sense of deep sorrow and regret the death of Senator Hubert H. Humphrey on January 13, 1978, in Waverly, Minnesota, at the age of 66; and

WHEREAS, few Americans ever lived who have figured so prominently for so long in the political and governmental affairs of our great nation as did Hubert H. Humphrey, five times elected to the United State Senate from the state of Minnesota, and to the office of the Vice-Presidency for four years under President Lyndon B. Johnson; and

WHEREAS, Senator Humphrey is mourned throughout our land as a true statesman, a loyal American and a friend to those oppressed, hungry and in need; and

WHEREAS, he was a man who both accepted victory and experienced defeat with the same hopes and dreams for a better tomorrow for our country and its people; he was to die undaunted in spirit, even as he lived, leaving a legacy of positiveness and optimism to those of us who would but accept his gift; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do deeply regret and grievously mourn the death of Senator Hubert H. Humphrey and extend our most heartfelt sympathy to his devoted wife and family.

BE IT FURTHER RESOLVED, That Mrs. Humphrey receive a copy of this resolution that she and their children, might know of our shared sorrow in their great loss.

Which was read and referred to the Standing Committee on Rules.

Mr. Clemon offered the following Senate Joint Resolution, to-wit:

S. J. R. 334. RATIFYING THE PROPOSED AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES RELATING TO PROVIDING EQUAL RIGHTS TO WOMEN.

WHEREAS, the 92nd Congress of the United States of America at its first session, in both Houses, by a Constitutional majority of two-thirds

thereof, adopted the following proposition to amend the Constitution of the United States of America in the following words, to wit:

"JOINT RESOLUTION

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), that the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as a part of the Constitution when ratified by the Legislatures of three-fourths of the several States within seven years from the date of submission by the Congress:

"ARTICLE

"Section 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

"Section 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

"Section 3. This amendment shall take effect two years after the date of ratification."

NOW THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That:

1. The proposed amendment to the Constitution of the United States as herein shown be and the same is herein ratified.

2. Duly authenticated copies of this resolution shall be forwarded by the Secretary of the Senate to the Administrator of General Services, Washington, D. C., and to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States.

Which was read and referred to the Standing Committee on Rules.

Mr. Owen offered the following Senate Joint Resolution, to-wit:

S. R. 335. ESTABLISHING A NEW ORDER OF BUSINESS IN THE SENATE FOR 1978 ONLY.

WHEREAS, The Senate finds itself in the unique position of being in session during an election year; and

WHEREAS, Many members of this body are not only running for statewide office, but running against each other, threatening the usual peace and harmony which characterize this august body; and

WHEREAS, In these inflationary times, the cost of political advertising has skyrocketed, leading us to devise some way to provide free television time to our resident candidates; now, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA That a new order of business be added to the regular order of business, as set out in Senate Rule 7, to be known as "Campaign Time", immediately following the Roll Call, to provide television exposure for our candidates, to be allocated as follows:

Governor—8½ minutes

U. S. Senator—7¼ minutes

U. S. Congress—6½ minutes

Attorney General—5¼ minutes
Lieutenant Governor—4¾ minutes
Public Service Commission—3 minutes
Re-election—1 minute 59 seconds
Miscellaneous—1 minute

BE IT FURTHER RESOLVED, That members of the Capitol Press Corps will be required to be present in the Senate Chamber for the duration of Campaign Time every Legislative Day, or forfeit their right to privileges of the floor.

BE IT FURTHER RESOLVED, That the electric clock plug be permanently welded into the socket.

Which was read and referred to the Standing Committee on Rules.

Messrs. Fine and Powell offered the following Senate Joint Resolution, to-wit:

S. J. R. 336. A RESOLUTION HONORING THE MEMORY OF EARL CLAYTON PIPPIN

WHEREAS, Earl Pippin lived and worked among us in a manner and fashion that was of benefit to all of us; and

WHEREAS, Earl Pippin accepted error as a condition of Life, yet strived extremely hard to prevent error; and,

WHEREAS, Earl Pippin believed that nothing but courage can guide life; and, that a person who has never been in danger can hardly answer for his courage; and,

WHEREAS, Earl Pippin saw adversity as a source of strength, and activity as the only real road to knowledge; and,

WHEREAS, Earl Pippin believed that it is not truth that makes the man great, but the man that makes truth great; and,

WHEREAS, EARL Pippin believed the best way to know God is to love his fellowman; and,

WHEREAS, Earl Pippin did not see people as big or little, rich or poor, but human beings with a promise of equal opportunity.

NOW, THEREFORE, the Alabama Senate and the Alabama House of Representatives do hereby resolve that the memory of this good man and what he stood for shall not be forgotten and urge others of courage and conviction to emulate his humanitarian concerns and actions.

BE IT FURTHER RESOLVED, That a copy be sent to his widow, Louise Pippin.

Which was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Harris, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lockett, Lutz, McCluskey, McCorquodale, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Thomas, Trammell, Tucker, Turnham, Venable, Waggoner, Ward, Warren Weeks, Whatley, White, Williams, Wyatt, and Younce.

H. J. R. 39. CONGRATULATING THE 1978 CONTESTANTS OF THE ALABAMA JUNIOR MISS PAGEANT.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 39, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. McNair:

H. J. R. 38. REQUIRING STATE EMPLOYEES USING STATE MOTOR VEHICLES TO PURCHASE GASOLINE AT SELF-SERVICE GASOLINE PUMPS

WHEREAS, the cost of gasoline has risen greatly in the past few years; and

WHEREAS, the cost of gasoline is likely to rise substantially in the future; and

WHEREAS, gasoline purchased at self-service gasoline pumps is lower in price than gasoline purchased at full-service gasoline pumps, and gasoline purchased at such self-service pumps will result in a savings to the State; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That all directors of state agencies shall immediately require state employees using state motor vehicles to purchase gasoline at self-service pumps where possible, and that all directors of state agencies shall submit to the Legislature a report showing all purchases of gasoline beginning on the effective date of this resolution. The directors shall submit their reports not later than the fifteenth legislative day of its next legislative session.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 38, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING

The Bill:

S. 113. To exempt Smith's Water Authority in Lee County, Alabama, from the provisions of Section 40-21-82 of the Code of Alabama of 1975, which levies a certain tax on the gross receipts and gross sales of certain utilities.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 32; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, King, Little, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Rboerts, St. John, Stewart, Teague, Vacca, Waldrop.

—32

Nays:

—0

The Bill:

S. 123. To amend Section 40-12-252, Code of Alabama 1975, to allow extended registration and licensing period for fleet owners of rental utility trailers.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 31; Nays 0.

Yeas:

Messrs. Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, King, Little, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Teague, Vacca, Waldrop, Wilson.

—31

Nays:

—0

The Bill:

S. 204. To make an appropriation out of the State general fund to the Alabama Forestry Commission to pay salary increases granted personnel by the Legislature.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 33; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, King, Little, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—33

Nays:

—0

The Bill:

S. 248. To amend Act No. 760, H. 176, Regular Session 1967, which Act provided for a supplemental appropriation of \$100.00 from the Special Education Trust Fund for each American Legion and American Legion Auxiliary scholarship awarded; in order to extend the number of such scholarships.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 32; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, King, Little, McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—32

Nays:

—0

REPORT FROM RULES

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 39. CONGRATULATING THE 1978 CONTESTANTS OF THE ALABAMA JUNIOR MISS PAGEANT.

On motion of Mr. St. John, said Resolution was then concurred in and adopted by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

S. 179. To amend Section 40-18-20 of the Code of Alabama 1975, relating to a state income tax exemption for military retirement benefits so as to provide further for such exemption.

was taken up.

Mr. St. John moved that consideration of the Bill, S. B. 179, be postponed until the Fifth Legislative Day.

On motion of Mr. King, the motion to postpone was laid on the table.

Yeas 24; Nays 3.

Yeas;

Messrs. Adams, Baker, Bank, Ellis, Fine, Gilmore, Goodwin, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perry, Proctor, Roberts, Shelby, Stewart, Teague, Vacca.

—24

Nays: Messrs. Perloff, St. John, Waldrop.

—3

Mr. St. John then moved that further consideration of the Bill, S. B. 179, be postponed until the next Legislative Day.

ADJOURNMENT

At 4:10 P.M., Mr. Fine moved that the Senate adjourn until Wednesday, January 18, 1978, at 10 o'clock A.M.

Mr. Perloff offered a substitute motion that the Senate adjourn until Thursday, January 19, 1978, at 10 o'clock A.M., which motion was adopted, and at 4:12 P.M., pending further consideration of the Bill, S. B. 179, the Senate adjourned until Thursday, January 19, 1978, at 10 o'clock A.M.

Yeas 20; Nays 12.

Yeas:

Messrs. Bank, Edwards, Ellis, Goodwin, Higginbotham, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Pearson, Perloff, Perry, Powell, St. John, Vacca, Waldrop.

—20

Nays:

Messrs. Adams, Baker, Fine, Gilmore, McDonald (S), Owen, Peden, Proctor, Roberts, Shelby, Stewart, Teague.

—12

FOURTH LEGISLATIVE DAY THURSDAY, JANUARY 19, 1978

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

PRAYER

The Session was opened with prayer by the Reverend Frederick W. Bueto, Pastor, Highland Gardens Baptist Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, King, Little, McDonald (A), McDonald (S), McMillan, Miller,

Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—33

JOURNAL

On motion of Mr. Fine, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Third Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

U. W. CLEMON,
Chairman.

COMMITTEE REPORT

On motion of Mr. Clemon, the foregoing report was concurred in and the Journal of the Senate for the Third Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. Fine, leave of absence was granted Messrs. Baker and Jones for today.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 39. CONGRATULATING THE 1978 CONTESTANTS OF THE ALABAMA JUNIOR MISS PAGEANT.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Peden:

S. 393. To authorize any town or city in the State of Alabama to plan, establish, develop, acquire, construct, enlarge, improve, maintain, equip, operate, regulate and protect any building, structure, land, leasehold estate, interest in land, right of way, equipment or instrumentality used or useful in connection with construction, equipping, development, maintenance or operation of any area or building for off-street parking of motor vehicles (defined as parking facilities), to finance the cost of parking facilities in whole or in part by the issuance of bonds, warrants, notes or other evidences of indebtedness maturing at such time or times as the Governing Body of the town or city may determine, not exceeding thirty years from their respective dates; to pledge to the payment thereof its full faith and credit and any tax, license or revenues which the town or city may then be authorized to pledge to the payment of bonded or other indebtedness; to lease or let parking facilities or any one or more of them to such tenant or tenants for such periods and for such compensation or rental and on such conditions as the governing body of the town or city may prescribe; to fix, establish, collect and alter parking fees, tolls, rents and other charges for the use of any parking facility; to make and enforce rules and regulations governing the use of any parking facilities owned or operated by the town or city and to execute such contracts and other instruments and to take such other action as the governing body of the town or city may deem necessary or convenient in connection with parking facilities.

Committee on Finance and Taxation.

By Mr. McMillan:

S. 394. To make an additional appropriation, for the fiscal year ending September 30, 1978, from the State General Fund to the State Building Commission, for grants to the several counties and municipalities of this state for the purpose of providing matching funds to aid local governments in meeting federal regulations relating to the accessibility of public buildings by the handicapped.

Committee on Finance and Taxation.

By Mr. Clemon:

S. 395. To amend and reenact Act No. 87, S. 40, 1971, Third Special Session, (Acts of 1971, p. 4299, now appearing in Code of Alabama, Recompiled 1975, Title 16-46-1 through 16-46-10), relating to the regulation of certain schools and courses of instruction publicized, sold, offered for sale and administered to residents of this State; so as to further regulate such schools and courses of instruction and to provide for funding.

Committee on Education.

By Mr. McDonald (A):

S. 396 To amend Section 31-9-22, Code of Alabama, 1975, so as to authorize the municipalities within the state to provide by ordinance maximum limits with respect to the weight, height, width, and length of

motor trucks, semitrailer trucks and trailers in connection with use or operation of said vehicles upon any public street or highway maintained exclusively by said municipality.

Committee on Local Government.

By Mr. McDonald (A):

S. 397. To amend Section 32-6-19, Code of Alabama 1975, as last amended, relating to the suspension and revocation of driving privileges, so as to provide for the admission in evidence of a certificate of revocation from the Director of Public Safety.

Committee on Judiciary.

By Mr. Wilson:

S. 398. To provide for the reporting of cases of juvenile diabetes to the state health officer by the examining physician.

Committee on Health and Welfare.

By Mr. Wilson:

S. 399. To make appropriations for the support and maintenance of the Lyman Ward Military Academy.

Committee on Finance and Taxation.

By Mr. Wilson:

S. 400. To make appropriations for the support and maintenance of the Talladega College.

Committee on Finance and Taxation.

By Mr. Wilson:

S. 401. To make appropriations for the support and maintenance of the Marion Military Institute.

Committee on Finance and Taxation.

By Mr. Wilson:

S. 402. To make appropriations for the support and maintenance of the Tuskegee Institute.

Committee on Finance and Taxation.

By Mr. Wilson:

S. 403. To make appropriations for the support and maintenance of the Walker County Junior College.

Committee on Finance and Taxation.

By Mr. Shelby:

S. 404. To amend Code of Alabama 1975, Section 6-5-410, which relates to actions for wrongful death, so as to include among the wrongful acts causing death for which an action may be brought, breach of warranty, the sale or distribution of defective goods, and the sale or furnishing of intoxicating liquors to minors or intoxicated persons when a cause of action therefor is

authorized by Sections 6-5-70 or 6-5-71, to define the type and nature of damages recoverable in such actions; and to make the provisions of this act applicable in actions currently pending as well as actions hereafter brought; and to repeal Act No. 113, H. 88 of the First Special Session of 1956, and other conflicting laws.

Committee on Judiciary.

By Mr. Shelby:

S. 405. To establish a student assistance program in the State of Alabama to be known as the Alabama Guaranteed Student Loan Program, which will guarantee loans made by approved lenders to residents of Alabama who are attending or plan to attend qualified institutions in the State or elsewhere, for the purpose of assisting them in meeting educational expenses; to set forth legislative findings and purposes underlying the Program; to designate the Alabama Commission on Higher Education to administer the program; to vest the Alabama Commission on Higher Education with the powers and duties reasonably needed for the effective implementation and administration of the Program; to provide for periodic auditing of approved institutions; to provide a penalty for false statements of misrepresentation in connection with the Program; to establish continuance of the Program; to designate the Attorney General as legal counsel for the Program; to make an appropriation establishing the Program from the Special Educational Trust Fund; to provide for severability; to repeal conflicting laws; and to provide an effective date.

Committee on Finance and Taxation.

By Messrs. Gilmore, Pearson, Vacca, Clemon and Ellis:

S. 406. Making an appropriation for the support and sponsorship of the 1978 VICA U. S. Skill Olympics.

Committee on Finance and Taxation.

By Messrs. Gilmore, Proctor, McMillan, Clemon and Wilson:

S. 407. Relating to genetics service in public health so as to provide for the University of Alabama in Birmingham Medical Genetics Center expanding its program to provide diagnostic facilities, genetic counseling and prenatal testing for genetic disorders in order to encourage prevention of birth defects and mental retardation; and appropriating an additional \$100,000.00 from the Special Educational Trust Fund to implement the program provided for in this Act.

Committee on Finance and Taxation.

By Mr. Shelby:

S. 408. To make a supplemental appropriation from the Alabama special educational trust fund, for the fiscal year ending September 30, 1978, to the University of Alabama at Tuscaloosa for capital outlay purposes of constructing a building for the School of Mines.

Committee on Finance and Taxation.

By Mr. Teague:

S. 409. Relating to attorney fees awarded in Workmen's Compensation cases; amending Section 25-5-90, Code of Alabama of 1975, as last

amended, to make reasonable attorney fees in addition to the compensation paid to the workmen or dependents.

Committee on Business and Labor Relations.

By Messrs. Mims and Miller:

S. 410. To amend Section 2-2-14 of Title 2 of the Code of Alabama 1975, relating to certain employees of the Department of Agriculture and Industries now designated as "Cattle Theft Investigators" with authority of peace officers; to rename such employees as "Livestock Theft Investigators" and to make arrests for any unlawful offense which may be exercised anywhere within the State of Alabama.

Committee on Agriculture.

By Messrs. Stewart, Teague, McMillan, Clemon, Vacca, Gilmore, Pearson and Bank:

S. 411. To amend Section 37-1-11, Code of Alabama 1975 which fixes the compensation of the President and the Associate Members of the Alabama Public Service Commission.

Committee on State Government.

By Mr. Little:

S. 412. To provide for the deposit by the various counties of this state of county funds in demand deposits and in time deposits, open account, in county depository banks and savings and loan associations and providing a procedure to accomplish such deposits.

Committee on Banking.

By Messrs. Little, McMillan and Higginbotham:

S. 413. To make an appropriation for capital outlay purposes at the main campus of Auburn University for the fiscal year ending September 30, 1979.

Committee on Finance and Taxation.

By Mr. Goodwin:

S. 414. To amend Section 23-1-6, Code of Alabama 1975, which provides for the highway department to regulate and control the placing of markers, signs, and advertising on the right-of-way of all state controlled highways; to prohibit the placing of any commercial sign, display, device, notice, figure, painting, drawing, message, placard, poster, billboard, or other thing which is designed, intended, or used to advertise on the right-of-way of any road, highway or bridge which is a part of the state highway system whether title to said right-of-way be vested in the State of Alabama in fee, by easement, adverse possession, prescription or by any other means in which title may vest; provide for removal of said signs and penalty for the violation of any provision of this act, and to repeal any and all laws that conflict with any provision of this act.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Goodwin:

S. 415. To amend Section 35-14-1 of the Code of Alabama 1975 to

provide for monetary payments by any person, firm, corporation or association which, without the consent of the Director of the State of Alabama Highway Department, cuts down, digs up, deadens, girdles, boxes, destroys, or takes away trees already cut down or fallen, upon rights of way in possession of or under control of the Highway Department; to provide for the bringing of actions; to provide that certain testimony may be received in actions under the provisions of this act; and to exempt from the provisions of this act employees of the Highway Department acting within the line and scope of their employment.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Goodwin:

S. 416. Relating to trees, tree seedlings and saplings of any kind or species on or within highway right of way in possession of, or under the control of the State of Alabama Highway Department: To constitute and make it a misdemeanor and to provide penalties for any person to cut down, deaden, girdle, box destroy, or to take away if already cut down, any tree, tree seedling or sapling of any kind or species on or within highway right of way in the possession of, or under the control of the State of Alabama Highway Department; to provide application to those aiding or abetting, or who are in any manner an accomplice therein; to provide for testimony to establish right of way in the possession of, or under the control of the Highway Department; and to exempt employees of the Highway Department from the penalties provided while acting within the line and scope of their employment.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Goodwin:

S. 417. To authorize the Highway Director to administer programs relative to mass transportation in rural and urban areas, to oversee federal assistance, to perform mass transit planning, to provide technical assistance to local entities for formulating transit projects; to assure that transit projects are in accordance with the comprehensive transportation planning process, to expend state funds apportioned by the legislature from time to time for mass transit, to develop and promulgate rules and regulations, and to administer mass transit programs with flexibility found to be in the public interest enacted by the Legislature of Alabama.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Goodwin:

S. 418. To amend Section 5-9-20, Code of Alabama 1975, relating to the method of converting a national bank into a state bank so as to increase the amount of the fee to be paid to the superintendent of banks of Alabama.

Committee on Banking.

By Mr. Goodwin:

419. To amend Section 5-1-9, Code of Alabama 1975, so as to provide that call reports shall be transmitted by each state bank to the superintendent of banks within thirty days after the receipt of a request therefor from

him; to provide further that any state bank failing to transmit such call report within the thirty-day period shall pay a penalty to the state banking department of one hundred dollars per day.

Committee on Banking.

By Mr. Goodwin:

S. 420. To amend Sections 5-19-1, 5-19-24, and 5-19-28 of the Code of Alabama 1975, relating to consumer finance, so as to provide for a citation of the chapter; to further regulate the payment of examination and per diem fees and annual fees, and to further provide for the disposition of all such fees collected.

Committee on Judiciary.

By Mr. Goodwin:

S. 421. To amend Section 5-18-10 of the Code of Alabama 1975 relating to the "Alabama Small Loan Act", so as to further regulate examination fees and per diem allowance of examiners to be paid by licensees as cost of examinations.

Committee on Banking.

By Mr. Perry:

S. 422. To authorize Alabama Public School and College Authority to sell and issue two hundred million dollars (\$200,000,000) aggregate principal amount of additional bonds for capital improvements for public educational purposes, including libraries, laboratories and facilities for athletics, recreation and physical education, and research facilities, including the acquisition of land, for colleges and universities, vocational-technical institutes, junior colleges and universities, vocational-technical institutes, junior colleges, elementary-secondary school systems and special schools; to provide for the details of the bonds and for the public sale thereof; to make an appropriation and pledge for payment of the principal of and interest on the bonds of proceeds from specified excise taxes to the extent necessary to pay the principal and interest at their respective maturities; to authorize the Authority to pledge for payment of the principal of and interest on the bonds the monies so appropriated and pledged; to provide that the bonds shall be limited obligations of the Authority payable solely out of the funds so appropriated and pledged and will not create a debt or obligation of the State; to provide that the bonds and the income therefrom shall be exempt from taxation in this State and the bonds may be used to secure deposits of funds of this State and its political subdivisions, instrumentalities and agencies, and for investment of fiduciary funds; to authorize the issuance by the Authority of refunding bonds for the purpose of refunding the principal of any then outstanding bonds theretofore issued by either the Authority or Alabama Education Authority or both, and the expenses of such refunding and any premiums necessary to retire those so refunded; to provide that after payment of the expenses of the issuance of the bonds the proceeds from the sale thereof shall be disbursed on orders or warrants issued by or under the direction of the Authority for the purposes for which they are authorized to be issued; and to provide that if any portion of this Act should be held invalid such holding shall not affect the validity of any other portion thereof.

Committee on Finance and Taxation.

By Mr. Owen:

S. 423. To require motor vehicle franchisors to indemnify their motor vehicle franchisees for certain liabilities.

Committee on Judiciary.

By Mr. Owen:

S. 424. Relating to motor vehicle dealers; providing for the licensing of motor vehicle dealers, reconditioners, or rebuilders, and wholesalers, providing for qualifications and fees, including the requirement that motor vehicle dealers have a state sales tax number; prescribing information to be included in application; requiring certain records to be kept; providing a penalty; providing for suspension or revocation of license; requiring a bond or evidence of net worth; providing for severability; providing an effective date.

Committee on Judiciary.

By Mr. Owen:

S. 425. To amend Sections 12-260 and 12-266 of Title 40, Code of Alabama 1975, and Act No. 35, Acts of Alabama, Regular Session, 1945, in order to provide for the report of change of ownership of a previously licensed motor vehicle and for the record of transfer of a motor vehicle license tag to be made to the Probate Judge of the County where the owner resides; to exempt licensed motor vehicle dealers from filing such reports of change of ownership for vehicles held for sale; to provide procedures to be followed in making such reports and records; to increase the fee charged by the Probate Judge for recording the change of ownership of a motor vehicle to one dollar (\$1.00).

Committee on Judiciary.

By Mr. Roberts:

S. 426. To propose and provide for the submission of an amendment to the Constitution of Alabama relating to Mobile County for the purpose of granting local self-government or a home rule of said county.

Committee on Local Legislation No. 1.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Roberts:

S. 427. To provide for the modernization of the government of Mobile County, Alabama by designating the Mobile County Commission as the governing body of Mobile County and granting to Mobile County certain law making powers not prohibited by the Constitution of Alabama and further granting to said Commission all law making powers heretofore exercised by the Legislature of Alabama.

Committee on Local Legislation No. 1.

By Mr. Roberts:

S. 428. Relating to Mobile County; providing further for the government of the county; abolishing the three member county commission and creating a four member commission in lieu thereof; providing for the selection of the members of the commission, and prescribing their qualification, terms,

and compensation; providing for the organization and jurisdiction of the commission, and the powers and duties of its individual members.

Committee on Local Legislation No. 1.

By Mr. Roberts:

S. 429. To exempt the Alabama Chapter of the Leukemia Society of America from the payment of all state, county and municipal sales and use taxes.

Committee on Finance and Taxation.

By Mr. Fine:

S. 430. To provide for the establishment of a reserve state trooper force and places said reserve state troopers under the direction of the director of the Department of Public Safety or a member of the Alabama State Troopers and provides said reserve state troopers with the authority to carry firearms and provides insurance coverage and provides for travel expenses to be paid by the Department of Public Safety.

Committee on Judiciary.

By Mr. Goodwin:

S. 431. To define certain terms as used in this Act; to provide certain defenses to the liability of manufacturers and sellers in actions arising out of personal injury, death, or property damage allegedly due to defects in manufactured products; to establish a defense of subsequent alteration or modification of manufactured products; to establish a defense of manufacture of a product in accordance with the general state of the art; to establish a defense of manufacture of a product in accordance with applicable statutory or administrative regulations; to establish a defense of failure of any person to exercise reasonable prudence under the circumstance in the use of a manufactured product; to establish a defense of failure of an injured party to take reasonable safeguards, precautions, or actions in the use of a manufactured product; to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this Act; and to provide for the manner in which this Act becomes law.

Committee on Judiciary.

By Mr. Powell:

S. 432. To make an appropriation from the Alabama Special Educational Trust Fund to the State Highway Department for matching funds available to build an interchange on Interstate 85 at the Southeast corner of the Auburn University at Montgomery campus.

Committee on Finance and Taxation.

By Mr. Powell:

S. 433. To make an appropriation from the Alabama Special Educational Trust Fund to Auburn University at Montgomery to be used for capital outlay and improvements.

Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Merrill:

H. 170. To make further appropriations of State Funds for the fiscal year ending September 30, 1978.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Stnading Committee, as follows:

H. B. 170. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Folmar:

H. 16. To further amend Section 11-6-2 of the Code of Alabama 1975 as last amended so as to add Pike County to the list of counties exempt from the requirement that the county engineer be a qualified land surveyor.

Also:

By Mr. Holley:

H. 82. To regulate further the compensation of the district attorney of the 12th judicial circuit; providing for a supplement to the salary of such district attorney payable by the counties composing the circuit.

Also:

By Mr. Campbell (with notice and proof):

H. 190. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Butler, in Choctaw County.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 190, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Messrs. Manley and Pegues (with notice and proof):

H. 227. Relating to Marengo County; providing further for the Sheriff's Department in said county; providing further for the composition and compensation of deputies and other personnel.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 227, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Messrs. Manley and Pegues (with notice and proof):

H. 228. Relating to Marengo County; amending Section 4 of Act No. 547, H. 1272 of the 1977 Regular Session (Acts 1977, vol. 1, p. 731), which section relates to the wages of inmates on the county work release program, so as to bring the deduction for costs incident to the inmate's confinement in line with Act No. 637, H. 53 of the 1976 Regular Session (Acts 1976, Vol. II, p. 883).

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 228, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

By Mr. Campbell:

H. 291. To repeal Act No. 361, H. 1141, Regular Session of 1973 (Acts 1973, p. 515), entitled "An Act Relating to counties having not less than 16,350 nor more than 16,650 populations, according to the most recent federal decennial census; to provide an additional clerks hire allowance for the Probate Judge of such counties."

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 16, 82, 190, 227, 228 and 291. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Smith (C):

H. J. R. 53. COMMENDING THE ALABAMA HIGHWAY DEPARTMENT FOR TOP NATIONAL HONORS RECEIVED.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 53, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Owens, McCorquodale, Johnson and Robertson.

H. J. R. 46. HONORING DANIEL OTIS McCLUSKY, JR., UPON HIS RETIREMENT.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 46, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Holmes (D):

H. J. R. 52. COMMENDING WALTER WELLBORN HIGH SCHOOL FOR PARTICIPATION IN THE 3-A FOOTBALL FINALS FOR THE STATE CHAMPIONSHIP.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 52, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

REPORTS OF COMMITTEES

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Owen, Gilmore, Noonan, Jones, Goodwin, Mims, Adams, Perry, McMillan, Clemon and Pearson:

S. 239. To establish a student assistance program in the State of Alabama to be known as the Alabama Student Grant Program, which will provide for state grants, on behalf of and to the credit of eligible students who are bona fide residents of Alabama, to be paid to certain approved institutions of postsecondary education in Alabama; to set forth legislative findings and purposes underlying the Program; to provide for the grants payable under the Program; to designate the Alabama Commission on Higher Education to administer the Program; to vest the Alabama Commission on Higher Educa-

tion with the powers and duties reasonably needed for the effective implementation and administration of the Program; to establish various procedures and requirements concerning the availability of grants, applications for grants, approval and award of grants, renewal of grants, and revocation of grants; to prohibit the use of grants for religious or sectarian purposes and to prohibit the use of money raised for the support of public schools to support schools of a predominantly sectarian or denominational character; to provide for periodic auditing of approved institutions; to provide for periods when there may be insufficient funds to provide such eligible student with a full grant for the terms requested; to provide a penalty for false statements or misrepresentations in connection with the procurement of grants; to make an appropriation funding the program from the Special Education Trust Fund; to provide for severability; to repeal conflicting laws; and to provide an effective date.

By Mr. Mitchell:

S. 399. To exempt any water authority organized pursuant to Act No. 107, S. 2 of the 1965 First Special Session (Acts, Special Session 1965, Vol. I, p. 132), as amended, from the payment of any state utility gross proceeds or similar tax.

Mr. St. John, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. St. John:

S. 309. To amend Section 35-11-233 of the Code of Alabama, 1975, relating to mechanic's liens and assignment thereof, so as to provide further for the transfer of such liens to security by a deposit of money or bond with the court.

By Mr. St. John:

S. 305. To provide for the definition of death in cases where respiratory and cardiac functions are maintained by artificial means, to further provide that nothing in the Act shall be construed to prohibit a physician from using customary procedures for determining death in other cases, and to make additional provisions pertaining to the determination of death in those cases in which some part of the body is to be donated for transplantation.

By Mr. Vacca:

S. 54. To amend Section 32-5-64 of the Code of Alabama 1975, which prohibits persons under sixteen years of age from operating motor vehicles, so as to provide that such persons may operate, without a license or learner's permit, a vehicle of an approved school driver's education program, when such persons are accompanied by a qualified instructor, and during school hours.

Mr. St. John, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Vacca (With Amendment):

S. 101. To be known as the Alabama Rules of the Road Act, providing rules of highway and traffic safety, establishing general rules relating to the effect of traffic laws, establishing certain traffic laws and penalties for the violation thereof, providing for the establishment of traffic signs, signals and markings, and providing for certain powers of the state highway department and the department of public safety of this state; repealing numerous specific code sections and statutes that conflict herewith as well as all other laws that conflict with this act.

Mr. St. John, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Edwards:

S. 89. To provide further for the organization, admission, consolidation, merger and dissolution of certain corporations, and to prescribe the powers, authority and duties of such corporations, and of the officers, directors and shareholders thereof; subject to the provisions of Section 188 of this Act, to repeal Sections 10-2-1 through 10-2-7, 10-2-20, 10-2-22 through 10-2-35, 10-2-50 through 10-2-58, 10-2-70, 10-2-71, 10-2-90 through 10-2-98, 10-2-110, 10-2-112, 10-2-114, 10-2-130 through 10-2-135, 10-2-150, 10-2-160, 10-2-161, 10-2-162, 10-2-164 through 10-2-169, 10-2-180 through 10-2-189, 10-2-200 through 10-2-212, 10-2-250 through 10-2-253, 10-2-256, 12-11-34 through 12-11-39, of the Code of Alabama of 1975.

Mr. St. John, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with substitute, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. McMillan (With Substitute):

S. 106. To provide for the creation of restitution centers on an experimental basis, the purpose of which shall be to allow certain minimum security risk offenders to repay all or part of the damages incurred by the victim of the offender's offense through employment opportunities secured by the supervisory personnel of the restitution center.

By Mr. McMillan (With Substitute):

S. 86. To amend Section 14-8-8, Code of Alabama, 1975, which defines the conduct which constitutes an escape by inmates who are participating in the state work release program and prescribes the punishment for such escape, so as to further define and clarify the punishment for escape by inmates who, at the time of the escape, are participating in the state work release program.

Mr. King, Chairman of the Standing Committee on Constitution and Elections, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. King (With Amendment):

S. 44. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, relating to local government and home rule; amending and superseding specifically Sections 38, 39,

40, 41, 89, 220, 227 and 228 and Amendments No. 81, 132, 140, 142, 144 and 184 of the Constitution of Alabama of 1901, as amended; and repealing and superseding all other conflicting provisions of said constitution and amendments thereto, providing for a two year delay in the effective date of the proposed amendment.

The above Bill was read a second time at length as required by the Constitution.

Mr. King, Chairman of the Standing Committee on Constitution and Elections, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Mitchell, King, Mims, Gilmore, Powell, McDonald (A), Shelby, Owen, Teague, St. John, McDonald (S), Miller, Clemon, Little, McMillan, Goodwin and Perry:

S. 4. To propose an amendment to the Constitution relative to the method of adopting amendments to the constitution affecting political subdivisions of this state.

The above Bill was read a second time at length as required by the Constitution.

By Mr. King:

S. 107. Relating to presidential preference primary elections; to provide for the time and manner of holding such elections; to provide for qualifying petitions and fees and the method of allotting and naming delegates; to make the provisions hereof apply to vice presidential candidates at the election of the party; to prescribe the duties of the secretary of state, party officials and candidates with respect to the primary; to amend Code of Alabama 1975, Section 17-16-6; and to repeal conflicting laws.

Mr. King, Chairman of the Standing Committee on Constitution and Elections, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Messrs. McDonald (A), Miller, King, St. John and Baker (With Substitute):

S. 378. Relating to voter registration; to provide for a board of registrars, their duties, terms and compensation; to provide for the registration of electors; to provide for clerical help and office supplies for registrars; to provide for compilation and maintenance of voting records by the board of registrars; to provide for meetings and times and places of registration by the board; to provide for the attendance by at least one registrar at the courthouse on each regular working day except when the full board is in session; to provide for purging of voter lists; to provide the suspension of registration for failure to vote; to require boards of registrars to administer absentee voting; to provide penalties for certain violations; to provide for the publication of the list of registered voters; to provide for deputy registrars; and to repeal Code of Alabama, Title 17, Sections 12 through 54 inclusive, Act No. 585, H. 216, 1949 Regular Session, Act No. 531, S. 101, 1947 Regular Session, Act No. 577, H. 66, 1959 Regular Session, Act No. 253, H. 11, 1964 Special Session, Act No. 346, H. 250, 1945 Regular Session, Act No. 6, H. 18, 1950 Special Session, Act No. 92, H. 169, 1961 Regular Session, Act No. 482, H. 71, 1947

Regular Session, Act No. 266, S. 122, 1949 Regular Session, Act No. 529, H. 283, 1957 Regular Session, Act No. 829, S. 98, 1965 Regular Session, and Act No. 750, H. 247, 1951 Regular Session.

Mr. Fine, Chairman of the Standing Committee on Banking, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Teague:

S. 371. To amend Section 39-2-12, Code of Alabama 1975, as amended, relating to payments to contractors on public works contracts so as to provide for an alternate escrow procedure for amounts withheld as retainage under such contracts, and to provide for the conditions under which such an escrow procedure may be utilized.

REPORT FROM RULES

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 333. MOURNING THE DEATH OF SENATOR HUBERT H. HUMPHREY.

On motion of Mr. Higginbotham, said Resolution was then concurred in and adopted by the Senate.

By unanimous consent, the names of the remaining members of the Senate were added as co-sponsors of the above Resolution.

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 31. MEMORIALIZING PRESIDENT CARTER AND THE U. S. CONGRESS TO TAKE AFFIRMATIVE STEPS IN RESTORING THE BALANCE OF AMERICAN AGRICULTURE.

On motion of Mr. Mims, said Resolution was then concurred in and adopted by the Senate.

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 8. POSTPONING THE DAY FOR FILING THE FINAL REPORT OF THE COMMITTEE CREATED BY ACT NO. 755, OF THE 1976 LEGISLATURE.

On motion of Mr. Mims, said Resolution, H. J. R. 8, was re-committed to the Standing Committee on Rules.

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said committee, in Session, had acted on the following House Joint

Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 12. CREATING THE COURT MANAGEMENT LEGISLATIVE STUDY COMMITTEE.

On motion of Mr. Peden, said Resolution, H. J. R. 12, was re-committed to the Standing Committee on Rules.

RESOLUTIONS

Mr. Waldrop offered the following Senate Joint Resolution, to-wit:

S. J. R. 337. MOURNING THE DEATH OF MR. WOODROW WILSON TARVIN.

WHEREAS, the Legislature of Alabama was deeply saddened to learn of the death of Mr. Woodrow Wilson Tarvin of Gadsden on January 4, 1978, at the age of 65; and

WHEREAS, Mr. Tarvin was a native and lifelong resident of Etowah County and was a life member of the Brotherhood of Painters and Allied Traders, Local 651; and

WHEREAS, he was an actively involved member and deacon of the Walnut Park Baptist Church who had served as church treasurer for 23 years; and

WHEREAS, Mr. Tarvin was a most highly respected and beloved member of his community who will be deeply missed by his family and his many friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do greatly mourn the death of Woodrow Wilson Tarvin and extend our deepest sympathy to his wife, Mrs. Naomi Johnson Tarvin, to their two children, John Thomas and Jeanne Louann Tarvin, and other family members to whom copies of this resolution shall be sent.

Which was read and referred to the Standing Committee on Rules.

Mr. Fine offered the following Senate Joint Resolution, to-wit:

S. J. R. 338. ADOPTING THE REPORT OF THE STATE JUDICIAL COMPENSATION COMMISSION.

WHEREAS, the State Judicial Compensation Commission under the provisions of Section 6.09 of Amendment No. 328 of the Constitution of Alabama has submitted a report to the Legislature of Alabama relative to the salaries and expenses of the Judges of the courts of the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That under the provisions of Section 6.09 (d), the report of the State Judicial Compensation Commission is hereby adopted.

Which was read and referred to the Standing Committee on Rules.

Mr. Fine offered the Following Senate Joint Resolution, to-wit:

S. J. R. 339. ENDORSING THE CONCEPT OF OUTER CONTINENTAL SHELF OIL AND NATURAL GAS REVENUE SHARING.

WHEREAS, Outer Continental Shelf oil and natural gas resources, both discovered and undiscovered, are expected to be an important means of satisfying future national energy needs; and

WHEREAS, it is the policy of the federal government to develop such resources in the national interest; and

WHEREAS, it is expected that in excess of 109 billion dollars may accrue to the federal government from lease purchase payments and royalties on undeveloped Outer Continental Shelf oil and natural gas resources; and

WHEREAS, adjacent coastal states are likely to incur large economic and environmental costs as a consequence of Outer Continental Shelf oil and natural gas production; and

WHEREAS, the major existing federal coastal state Outer Continental Shelf impact assistance program is inadequate for meeting coastal state responsibilities associated with such Outer Continental Shelf development; and

WHEREAS, the continued preemption of financial resources by the federal government has dramatically shifted the balance of power in the federal system of the United States to the impairment of the ability of state governments to meet emerging needs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we endorse the concept of equitable coastal state government sharing of revenues derived by the federal government from Outer Continental Shelf oil and natural gas development and urge the President and Congress to enact a program establishing a fund for dispersing fifty percent of federal Outer Continental Shelf revenues to coastal state governments and to incorporate an equitable formula for the allocation of such revenues which entitles any coastal state within a given federal fiscal year to a minimum of two percent and a maximum of ten percent of such revenues and which is based upon the percentage of adjacent Outer Continental Shelf oil and natural gas acreage leased, the percentage of the volume of adjacent Outer Continental Shelf oil and natural gas production and the percentage of oil and natural gas first landed in such coastal state in a given federal fiscal year.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to President Carter and to both houses of the United States Congress.

Which was read and referred to the Standing Committee on Rules.

Messrs. King, Baker and McDonald (A) offered the following Senate Joint Resolution, to-wit:

S. J. R. 340. COMMENDING THE GRISSOM HIGH SCHOOL BAND FOR SUPERIOR PERFORMANCE AND HONORS RECEIVED.

WHEREAS, The Alabama Legislature has learned with pride and pleasure that the Grissom High School Band of Huntsville, Alabama, was named by the National Band Association one of the top five marching bands, as well as one of the top five concert bands, in the nation; and

WHEREAS, the Grissom High band, under the talented leadership and

tutelage of Director David W. Ward and his assistant director, James R. Sparks, was one of only 50 school bands in the country invited to compete for the honor, invitations being based on previous contest records; the band competed in two separate contests, one for marching and the other in concert, and received "top five" placement designations in both competitions; and

WHEREAS, further, this fine Alabama high school honor band will play in concert in Knoxville, Tennessee, in June, 1978, at the National Band Association convention; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do heartily congratulate and highly commend the Grissom High School Band of Huntsville, Alabama, on attaining national recognition while so capably representing our state.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Band Director David W. Ward on behalf of his band and one to Principal Sidney Ingram for appropriate school display.

Which was read and referred to the Standing Committee on Rules.

Mr. King offered the following Senate Joint Resolution, to-wit:

S. J. R. 341. CREATING THE STATE UNIVERSITY BUDGET RECOMMENDATION COMMITTEE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint committee to study, investigate and recommend to both houses of the Legislature a budget for each state university. Such committee shall be composed of the Speaker of the House, five members of the House of Representatives to be appointed by the Speaker of the House, the President of the Senate, and five members of the Senate who shall be appointed by the President of the Senate. The committee shall select its own chairman and vice-chairman.

It shall be the duty of the committee to meet as soon as practicable after the approval date of this resolution and appointment and upon the call of the chairman to go to the state universities and examine their financial records and any other matters of record that may pertain to such universities' budgets. Upon such investigation and study the committee shall make a recommendation to both houses of the Legislature of a budget for each state university and any monies that the university has on deposit or under its control not actually needed for the budget with the exception of any monies required for the repayment of bonds, shall be returned to the State.

Upon request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work.

The members of the committee shall be entitled to their usual legislative pay, travel expenses and per diem for each day spent attending such committee meetings.

Which was read and referred to the Standing Committee on Rules.

UNFINISHED BUSINESS

BILLS ON THIRD READING

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 179. To amend Section 40-18-20 of the Code of Alabama 1975, relating to a state income tax exemption for military retirement benefits so as to provide further for such exemption.

The question was on the motion of Mr. St. John that further consideration of the Bill, S. B. 179, be postponed until the Next Legislative Day.

On motion of Mr. King, the motion to postpone was laid on the table.

Yeas 14; Nays 11.

Yeas:

Messrs. Fine, Goodwin, King, Little, McDonald (A), McDonald (S), McMillan, Miller, Mitchell, Peden, Powell, Roberts, Stewart, Vacca.

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Nays:

Messrs. Adams, Clemon, Edwards, Mims, Noonan, Pearson, Proctor, St. John, Shelby, Teague, Waldrop.

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Mr. Waldrop moved that further consideration of the Bill, S. B. 179, be postponed until the Ninth Legislative Day.

BILLS RE-REFERRED

Mr. Owen moved that the Bills, S. B. 423, 424, and 425, be removed from the Standing Committee on Judiciary and re-referred to another Committee.

The President and Presiding Officer of the Senate ordered said Bills, S. B. 's 423, 424, 425, re-referred to the Standing Committee on Commerce, Transportation, and Utilities.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 31. MEMORIALIZING PRESIDENT CARTER AND THE U. S. CONGRESS TO TAKE AFFIRMATIVE STEPS IN RESTORING THE BALANCE OF AMERICAN AGRICULTURE.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

ADJOURNMENT

At 11:30 A.M., Mr. St. John moved that the Senate adjourn until Tuesday, January 24, 1978, at 1 o'clock P.M.

Mr. Waldrop offered a substitute motion that the Senate adjourn until Tuesday, January 24, 1978, at 2 o'clock P.M., which motion was adopted, and at 11:32 A.M., pending further consideration of S. B. 179, the Senate adjourned until Tuesday, January 24, 1978, at 2 o'clock P.M.

FIFTH LEGISLATIVE DAY

TUESDAY, JANUARY 24, 1978

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

PRAYER

The Session was opened with prayer by Monsignor Michael McGuinness, Pastor, Saint Bede's Parish, Montgomery, Alabama.

ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Stewart, Teague, Vacca, Waldrop, Wilson.

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JOURNAL

On motion of Mr. Fine, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Fourth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

U. W. CLEMON,
Chairman.

COMMITTEE REPORT

On motion of Mr. Clemon, the foregoing report was concurred in and the

Journal of the Senate for the Fourth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. Fine, leave of absence was granted Mr. Shelby for today.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Peden:

S. 434. Relating to public health and subdivision development, providing that any registered civil engineer licensed by the State of Alabama shall be qualified to make percolation tests for subdivision development purposes; providing the state board of health and the bureau of environmental health of the state health department shall have 60 days to either approve or disapprove the subdivision development based on the results of the properly submitted percolation test; providing that if no action is taken, the test will be automatically approved after said 60 days has tolled; and to provide for the expansion of said bureau of environmental health to carry out the provisions of this act.

Committee on Health and Welfare.

By Mr. Edwards:

S. 435. To amend Section 12-17-112, Code of Alabama 1975, relating to the compensation of registers of the circuit court.

Committee on Judiciary.

By Mr. Ellis:

S. 436. To require that after September 1, 1980, all principals shall be full-time principals and shall not be scheduled to teach more than one class period per day.

Committee on Education.

By Messrs. King and Noonan:

S. 437. To be known as the Alabama Administrative Procedure Act, providing for the effect, processing, promulgation, publication, and inspection of state agency rules, determinations and other matters; providing for state agency administrative procedures and contested cases and appeals therefrom in licensing and other matters; providing for the establishment and maintenance of a joint legislative committee to review all rules of state agencies; requiring every state agency that promulgates rules or regulations to give reasonable public notice thereof; and providing for the indexing and publication of agency rules and for penalties for violations of this Act; and repealing all laws that conflict with this Act.

Committee on State Government.

By Messrs. Pearson, Mims, McDonald (A), Bank, Powell, McMillan and Jones:

S. 438. To further amend Chapter 24 of Title XVI of the Code of

Alabama of 1975, as amended, in relation to definition of teacher; the eligibility for continuing service status as a teacher or continuing service status as a supervisor; a fair evaluation procedure for probationary employees; a date certain for the notification of transfers of continuing service status employees; salary entitlements for certified employees during periods of suspension or judicial and quasi-judicial review; and the requirement of a recommendation by a superintendent of education prior to nonreemployment of employees; to further amend Sections 16-24-30, 16-24-31, 16-24-32, and 16-24-38 of the Code of Alabama 1975, as amended, in relation to the composition, size, appointment provisions, and meetings of the Alabama State Tenure Commission.

Committee on Finance and Taxation.

By Mr. McDonald (S):

S. 439. To amend Code of Alabama 1975, § 16-11-9, to clarify authority of city boards of education to administer and supervise schools so as to broaden such authority.

Committee on Education.

By Mr. McDonald (S):

S. 440. To amend Code of Alabama 1975, § 16-8-8, to clarify authority of county boards of education to administer and supervise schools so as to broaden such authority.

Committee on Education.

By Mr. St. John:

S. 441. To provide that Alabama enter into the Interstate Agreement on Detainers Act, with other member-states, which promotes cooperation between the several states to secure a speedy trial of persons already incarcerated in other jurisdictions by the expeditious and orderly disposition of all detainers so as to prescribe the manner and procedures for release of detainers available to incarcerated persons against whom there is pending untried indictments, information or complaints.

Committee on Judiciary.

By Mr. Fine:

S. 442. To define the crime of child abuse and prescribe penalties to be imposed upon any person who has the duty of care by law or has assumed the duty of care of any child under the age of sixteen years and is found guilty of such offense; and to provide that all proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Act takes effect, are hereby saved and may be consummated according to the law in force when they were commenced in order not to affect any prosecution pending or begun before the effective date.

Committee on Judiciary.

By Mr. Fine:

S. 443. To provide for a law enforcement officers' bill of rights for any state, county and municipal law enforcement agencies in this state; defining certain rights of any officer accused of misconduct; providing for disciplinary hearings and adequate prior notice upon alleged misconduct of any officer;

providing a uniform procedure for the composition of the complaint review boards of the various law enforcement agencies; providing that any law enforcement officer may bring civil suit for damages suffered while on official duty; providing that no officer may have disciplinary action taken against him by reason of exercising the rights granted hereby; providing sanctions by the district attorneys or state attorney by writ of injunction for non-compliance with the provisions of this Act; and repealing conflicting laws.

Committee on Judiciary.

By Mr. Teague:

S. 444. To provide that the board of trustees of the Alabama Institute for Deaf and Blind shall adopt written policies with regard to education; to provide for the manner in which such policies shall be adopted; to provide that such written policies shall be made available to all employees; and to provide that such written policies and written amendments thereto shall be filed with the state superintendent of education.

Committee on Education.

By Mr. Vacca:

S. 445. To provide that educators shall be paid for up to 50 days of accrued sick leave at the same rate as his regular pay at the time of his retirement and to appropriate from the Alabama Special Educational Trust Fund to fund this benefit.

Committee on Finance and Taxation.

By Mr. Teague:

S. 446. To provide that any teacher or employee of a public school system, the State Board of Education, the State Department of Education, State Senior Universities, State Junior Colleges, State Vocational Technical Colleges, or any other State educational institution or agency shall, if incapacitated as a direct result of an on-the-job injury, continue, for a period of not more than two years during such incapacity, to draw his full salary reduced by the amount of any workmen's compensation benefits (exclusive of medical payments or reimbursements) received during such two-year period; and to authorize standards for carrying out the provisions of this Act.

Committee on Education.

By Mr. Teague:

S. 447. To amend Act 1938, Acts of Alabama 1971, Regular Session so as to amend Sections 2, 3, 4, 5, 6, and 9 of said Act to conform the standards of safety for mobile homes sold in the state to those of the U. S. Department of Housing and Urban Development, and to repeal Section 7 of said Act 1938.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Teague:

S. 448. To provide that used and repossessed mobile homes sold within the state shall meet certain safety standards, to provide for inspection of such mobile homes, to prescribe licenses and license fees for the sale of used and repossessed mobile homes, to provide for the enforcement of this Act, prescribing penalties for violation of this Act.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Teague:

S. 449. To amend Act 1938, Acts of Alabama 1971, Regular Session, as last amended so as to provide civil and criminal penalties for violation of the Act.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Wilson:

S. 450. To fix the annual compensation of the chief justice of the supreme court, associate justices of the supreme court and judges of the courts of appeal.

Committee on Judiciary.

By Mr. St. John:

S. 451. To amend Section 22-21-70 of the Code of Alabama of 1975 so as to expand the definition of the term "hospital" contained in said section to include facilities to provide offices for persons engaged in the diagnosis, treatment or cure of sick and injured persons and to house or service equipment used for the diagnosis, treatment or cure of sick or injured persons or the records of such diagnosis or treatment or research with respect to any of the foregoing and to include parking facilities, areas or structures appurtenant to any facilities included within the meaning of the term "hospital."

Committee on Health and Welfare.

By Messrs. Ellis, Pearson and Mims:

S. 452. To amend Section 41-7-4, Code of Alabama, 1975, so as to permit intrastate advertising of state-owned parks by the bureau of publicity and information.

Committee on State Government.

By Mr. McMillan:

S. 453. To make further provision for the issuance of bonds by Alabama Highway Finance Corporation by (i) amending Section 23-1-177 of the Code of Alabama 1975 so as to limit to Twenty-five Million Dollars the principal amount of bonds (other than refunding bonds) authorized to be issued by the said corporation after February 1, 1978, and so as to provide that no bond issued under Article 7 of Chapter 1 of Title 23 of the said Code may mature later than twenty years from its date, (ii) supplementing the said Article 7 by the appropriation and pledge of funds necessary to pay the principal of and the interest on bonds issued after February 1, 1978, under the said Article 7, and specifying the rank or precedence of the pledges for the benefit of the said bonds, and (iii) repealing Section 9 of Act No. 228 adopted at the 1965 Regular Session of the Legislature.

Committee on Finance and Taxation.

By Mr. McMillan:

S. 454. To amend Division 2, Article 2 of Chapter 17 of Title 40 of the

Code of Alabama 1975 so as to make further provisions as to the distribution of the proceeds of the highway gasoline tax, as that term is defined in the said Division.

Committee on Finance and Taxation.

By Mr. McMillan:

S. 455. To amend Article 1, Chapter 17 of Title 40 of the Code of Alabama 1975 (relating to the excise tax on motor fuel as defined in the said Article 1), so as to make further provision for the disposition of the proceeds of the tax levied thereby.

Committee on Finance and Taxation.

By Mr. McMillan:

S. 456. To amend Section 40-12-270 of the Code of Alabama 1975, so as to make further provisions as to the use of that portion distributed to the state of the proceeds of the motor vehicle license taxes and registration fees imposed by Division 1, Article 5 of Chapter 12, Title 40, Code of Alabama 1975, as amended.

Committee on Finance and Taxation.

By Mr. McMillan:

S. 457. To amend Section 15 of Act No. 565 adopted at the 1976 Regular Session of the Legislature so as to clarify the said section; so as to provide that the pledges, provided for in the said Act No. 565, as amended by this act, of proceeds from certain taxes and fees as security for \$212,000,000 principal amount of obligations of Alabama Federal Aid Highway Finance Authority will be subject and subordinate not only to existing prior pledges but also to (i) all pledges of proceeds from the said taxes and fees that may hereafter be made as security for \$25,000,000 principal amount of bonds of Alabama Highway Finance Corporation and (ii) all pledges of the said proceeds that may be made after December 1, 1977, for the benefit of obligations issued under the said Act No. 565, of the registration fee imposed by subdivision (5) of Section 37-3-32 of the Code of Alabama 1975.

Committee on Finance and Taxation.

By Mr. Jones:

S. 458. To amend Sections 36-21-68 and 36-21-70 of the Code of Alabama 1975, so as to cut off monthly contributions for members of the Peace Officers' Annuity and Benefit Fund with 30 years or more service, and to effect a general increase in the schedule of benefits.

Committee on State Government.

By Mr. Jones:

S. 459. To amend Section 36-21-1 of the Code of Alabama 1975 to further provide for the payment of fees and costs of the defense of law enforcement officers in certain cases and to further provide for the appropriation of funds to finance this section.

Committee on Finance and Taxation.

By Mr. Jones:

S. 460. To authorize the carrying of a pistol by any honorably retired law enforcement officer whose retirement was not based on any pending disciplinary or legal action.

Committee on State Government.

By Mr. Jones:

S. 461. To provide for a guaranteed minimum starting wage or salary for all state, county, or municipal law enforcement officers of this state and provide for the enforcement of the provisions of this act.

Committee on State Government.

By Mr. Waldrop (with notice and proof):

S. 462. Relating to the City of Rainbow City, Etowah County, Alabama, providing for the election by popular vote of the members of the city board of education; prescribing the terms, qualifications and compensation, abolishing the existing city board of education and repealing all conflicting statutes.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the bill, S. B. 462, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Waldrop (with notice and proof):

S. 463. To alter and rearrange the boundaries of the City of Rainbow City in Etowah County, so as to exclude certain territory from the corporate limits of the city.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the bill, S. B. 463, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Mitchell:

S. 464. To amend Section 536, Act 407, 1971 Regular Session, now codified as Section 27-27-40, Code of Alabama, 1975, to provide that loans payable from an insurer's surplus shall only be made for cash or negotiable municipal, state, or federal bonds and shall not be made for the acquisition of real estate or other purposes; and to provide a definition of such loans.

Committee on Insurance.

By Mr. Mitchell (with notice and proof):

S. 465. Relating to Crenshaw County, providing certain compensation to members of the county hospital board in lieu of expense reimbursements now payable to such persons, and repealing conflicting laws.

Committee on Local Legislation No. 1.

I hereby certify the the Notice & Proof is attached to the Bill, S. B. 94, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Powell:

S. 466. To provide twenty dollars per month for each retired educator to be used for hospital-medical insurance; to appropriate \$3,600,000 from the Alabama Special Educational Trust Fund; to provide for the system of payment.

Committee on Finance and Taxation.

By Mr. Powell:

S. 467. To establish certain rights of professional employees and boards of control in public schools, to prohibit practices which are inimical to the welfare of such public schools, and to provide for the orderly and peaceful resolution of disputes concerning terms and conditions of professional service and other matters of mutual concern.

Committee on Business and Labor Relations.

By Mr. Stewart:

S. 468. To authorize counties and incorporated municipalities in this state to form a regional, nonprofit, public corporation which will provide for the temporary care and custody of youths who have been placed under the jurisdiction of a juvenile court; to provide for the chartering and general organizational structure of such corporation; to authorize governing bodies of such counties and municipalities to appropriate monies for the support of such corporation's facilities and programs; to provide for local control by the corporation's board of directors of the operation of any of such corporation's facilities and programs and to provide certain tax exemptions for such corporation.

Committee on Judiciary.

By Messrs. Little and Higginbotham:

S. 469. To amend Section 1 of Act No. 130, S. 15 of the Fourth Special Session of 1975 which provided for supplementing the compensation paid to retired or supernumerary circuit judges in the 37th Judicial Circuit so as to further restrict eligibility for such supplemental compensation.

Committee on Local Legislation No. 1.

By Messrs. Stewart, Little and Gilmore:

S. 470. To exempt Alabama World War I pensioners from all income requirements in determination of their eligibility for benefits under the Alabama Medicaid Program.

Committee on Finance and Taxation.

By Mr. Mitchell (with notice and proof):

S. 471. Relating to Crenshaw County; providing an additional expense allowance for the county coroner.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the bill, S. B. 471, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. McDonald (A) (with notice and proof):

S. 472. Relating to Limestone County; providing for the compensation and expense allowance of certain county officers.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the bill, S. B. 472, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. McDonald (A) (with notice and proof):

S. 473. Relating to Limestone County; to provide for the compensation for the county superintendent of education and the county board of education.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the bill, S. B. 473, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Mr. Merrill:

H. 54. To provide that the Department of Public Safety shall provide and maintain a minimum of two personnel to protect the person of any former governor who while in office sustained permanent bodily injury from any violent criminal act.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 54. To the Committee on State Government.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Mr. Smith (C):

H. J. R. 60. COMMENDING THE UNIVERSITY OF MONTEVALLO ON ITS MISSION AND GOALS STUDY TO PROVIDE LONG-RANGE POLICY DIRECTION.

Also:

By Mr. Smith (C):

H. J. R. 61. COMMENDING MR. J. D. "JIMMY" BELL, PROMINENT CLANTON, ALABAMA BUSINESSMAN.

Also:

By Mr. Falkenburg:

H. J. R. 62. COMMENDING MR. SLOAN BASHINSKY, SR., AND GOLDEN FLAKE ON THE 50TH ANNIVERSARY OF THIS TREMENDOUSLY SUCCESSFUL DOMESTIC COMPANY.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolutions, H. J. R.'s 60, 61, and 62, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Crowe:

H. J. R. 66. URGING THE UNITED STATES CONGRESS TO REJECT PROPOSALS FOR EXTENDING THE TIME FOR RATIFICATION OF THE ERA AMENDMENT.

WHEREAS, never before in our nation's history has any amendment to the United States Constitution taken longer than three years to be ratified, the purpose of such limitation to obtain a consensus of the majority view within a reasonable current time-frame; and

WHEREAS, it is obvious that this consensus has yet to be received even within the longest period of time heretofore taken to ratify an amendment; and

WHEREAS, this body and, in our opinion, the majority of the citizens of our state are vehemently opposed to any extension of time for ratification of the ERA amendment; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we strongly urge the Congress of

the United States to promptly and soundly reject any proposal to extend the time for ratification of the ERA amendment to the U. S. Constitution.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to each House of the United States Congress and a copy also to each member of the Alabama Congressional Delegation in Washington, D. C.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 66, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Greer, Hill and Coburn:

H. J. R. 68. COMMENDING THE WATERLOO HIGH SCHOOL FOOTBALL TEAM ON ITS OUTSTANDING RECORD.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 68, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

REPORT FROM RULES

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 336. A RESOLUTION HONORING THE MEMORY OF EARL CLAYTON PIPPIN.

On motion of Mr. Owen, said Resolution was adopted by the Senate.

By unanimous consent, the names of all the remaining Senators were added as co-sponsors of the above Resolution.

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 330. AUTHORIZING OFFICIALS OF THE JOHN C. CALHOUN STATE COMMUNITY COLLEGE TO NAME A BUILDING IN COMMEMORATION OF E. M. "ED" FRAZIER.

On motion of Mr. Edwards, said Resolution was adopted by the Senate.

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 331. HONORING DR. JAMES E. FOY UPON HIS RETIREMENT AS DEAN OF STUDENT AFFAIRS, AUBURN UNIVERSITY.

On motion of Mr. Little, said Resolution was adopted by the Senate.

By unanimous consent, the names of all the remaining Senators were added as co-sponsors of the above Resolution.

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 10. COMMENDING ALABAMA A & M ON WINNING THE NATIONAL NCAA DIVISION II SOCCER CHAMPIONSHIP.

On motion of Mr. King, said Resolution was then concurred in and adopted by the Senate.

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 13. HONORING MR. W. R. BRYAN, KEYNOTE SPEAKER, AUBURN LIONS CLUB 50TH ANNIVERSARY CELEBRATION.

On motion of Mr. Little, said Resolution was then concurred in and adopted by the Senate.

REPORTS OF COMMITTEES

Mr. St. John, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Mr. King (With Amendments):

S. 81. To provide that each local school board, city and county, shall establish standards of proficiency to evaluate student progress in the performance of basic skills for students attending schools within its school district; to provide that the state department of education shall assist the local school board by prescribing minimum academic and proficiency standards, including performance indicators; to provide that each school shall report the results of student performance assessments to the local school board; and to provide that each local school board shall have the authority to prescribe such reasonable rules and regulations as are necessary to implement the provisions of this act.

Mr. Fine, Chairman of the Standing Committee on Banking, reported that said committee, in session, had acted on the following bill and ordered

same returned to the Senate with a favorable report, with substitute, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Pearson (With Substitute) (With Amendment):

S. 357. To amend the Code of Alabama 1975, sections 40-16-1, 40-16-3, 40-16-4, and 40-16-5, so as to qualify the common parent corporation of a controlled group of financial institutions recognized as a registered bank holding company, as a financial institution as defined in the Code of Alabama 1975, Financial Institution Excise Tax, section 40-16-1, for excise tax purposes and thus exempt from income taxes; so as to prevent taxation of intercompany dividends within such a controlled group of corporations; so as to change the due date of the return required by the department of revenue from within the first 10 days of April in each year, to April 15 of each year; so as to permit qualified controlled corporate groups currently required to file Alabama excise tax returns on a separate basis to file on a consolidated basis; so as to establish a prima facie liability for the amount of excise tax due in accordance with the amount shown to be due by the taxpayer's return; so as to change the due date for the payment of the excise tax assessed from within 30 days of notice of assessment by the department of revenue to April 15 of each year, to provide an interest penalty upon delinquent unpaid balances after April 15, and to provide installment payments in the case of an extension of the due date of the return; so as to provide a statutory period of limitations upon assessment and collection of excise taxes; so as to repeal conflicting laws; and so as to give this Act retroactive effect.

Mr. Gilmore, Chairman of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Owen:

S. 423. To require motor vehicle franchisors to indemnify their motor vehicle franchisees for certain liabilities.

Mr. Gilmore, Chairman of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Owen (With Substitute):

S. 424. Relating to motor vehicle dealers; providing for the licensing of motor vehicle dealers, reconditioners, or rebuilders, and wholesalers, providing for qualifications and fees, including the requirement that motor vehicle dealers have a state sales tax number; prescribing information to be included in application; requiring certain records to be kept; providing a penalty; providing for suspension or revocation of license; requiring a bond or evidence of net worth; providing for severability; providing an effective date.

Mr. Gilmore, Chairman of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Owen:

S. 425. To amend Sections 12-260 and 12-266 of Title 40, Code of Alabama 1975, and Act No. 35, Acts of Alabama, Regular Session, 1945, in order to provide for the report of change of ownership of a previously licensed motor vehicle and for the record of transfer of a motor vehicle license tag to be made to the Probate Judge of the County where the owner resides; to exempt licensed motor vehicle dealers from filing such reports of change of ownership for vehicles held for sale; to provide procedures to be followed in making such reports and records; to increase the fee charged by the Probate Judge for recording the change of ownership of a motor vehicle to one dollar (\$1.00).

RESOLUTIONS

Messrs. Fine, Adams, Baker, Bank, Clemon, Edwards, Ellis, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop and Wilson offered the following Senate Joint Resolution, to-wit:

S. J. R. 342. COMMENDING REX THOMAS FOR HIS 35 YEARS OF SERVICE WITH THE ASSOCIATED PRESS.

WHEREAS, It has come to the attention of the Legislature that our friend of long standing, Rex Thomas, was presented last week with a 35-year service award from the Associated Press; and

WHEREAS, Rex Thomas, born September 23, 1914, in St. Joseph, Missouri, began his newspaper career in 1931 with the St. Joseph GAZETTE, 47 years ago; and

WHEREAS, Rex began work with the Birmingham NEWS in the 1930's, joining the Associated Press in 1942; he was transferred to the Montgomery Bureau in 1944, and has been here ever since; and

WHEREAS, In a tribute to him by his UPI competitor in 1967, he referred to Rex as "the best all-around newspaperman I have ever known"; his talents as a thorough, wise and articulate newspaperman are matched only by his talents as a fisherman; and

WHEREAS, He is a deacon at Memorial Presbyterian Church and very active in church affairs; now therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That we are grateful for the long years of service to the AP for which Rex Thomas received this well-deserved recognition; he is truly the Dean of the Capitol Press Corps, and has at all times covered the activity on Capitol Hill with fairness, accuracy and integrity.

BE IT FURTHER RESOLVED, That copies of this Resolution be sent to Mr. Thomas and to the Montgomery office of the Associated Press.

On motion of Mr. Fine, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Bank and Shelby offered the following Senate Joint Resolution, to-wit:

S. J. R. 343. COMMENDING DANIEL OTIS McCLUSKY, JR., ON HIS OUTSTANDING CAREER AS HOSPITAL ADMINISTRATOR.

WHEREAS, Daniel Otis McClusky, Jr., has announced his retirement after a brilliant 31 year career at Druid City Hospital in Tuscaloosa; and

WHEREAS, Mr. McClusky is truly a man of courage and vision; under his guidance, Druid City Hospital has grown from a 74-bed facility in 1946 to its current capacity of 600 beds; it was the first hospital in Alabama with a recovery room, a full-time emergency room physician, a coronary and intensive care unit and an infant high-risk nursery; Druid City Hospital, under the leadership of Mr. McClusky, was also one of the first to install new telemetry equipment in the sub-intensive care unit, one of the first to computerize services, and one of the first hospitals in the country to install a disposable meal service; and

WHEREAS, Daniel Otis McClusky is the recipient of distinguished service awards from the American Hospital Association and the Southeastern Hospital Conference; he was the first recipient of the Gold Medal of Excellence Award of the Alabama Hospital Association; and

WHEREAS, Mr. McClusky, through his imaginative and innovative genius, has won the admiration and respect not only of the thousands of patients who have benefited from his administration of Druid City Hospital, but of all of his many friends in the civic, educational and charity enterprise in which he has been most active; now, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That we hereby congratulate Daniel Otis McClusky, Jr., on his retirement, and express our gratitude for the inestimable benefits brought to the state through his career at Druid City Hospital.

BE IT FURTHER RESOLVED That a copy of this resolution be sent to Mr. McClusky and to Druid City Hospital.

Which was read and referred to the Standing Committee on Rules.

Mr. Owen offered the following Senate Joint Resolution, to-wit:

S. J. R. 344. MOURNING THE DEATH OF DR. GEORGE B. HALLIDAY, PROMINENT BAY MINETTE PHYSICIAN.

WHEREAS, the Alabama Legislature has noted the regretful and untimely death of Dr. George B. Halliday of Bay Minette, Alabama, on November 24, 1977, at the early age of 54; and

WHEREAS, a native of Mobile, Dr. Halliday was a veteran of World War II and had served the citizens of Bay Minette and the surrounding areas for many years in his private practice of medicine; and

WHEREAS, Dr. Halliday was a beloved and compassionate physician, dedicated to his profession, sensitive to the needs of his patients and deeply aware of his responsibilities in ministering to their physical and total well-being, now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do grievously mourn the death of Dr. George B. Halliday of Bay Minette, Alabama; we express our

deep and sincere sympathy to his family and direct that a copy of this resolution be sent to his wife, Mrs. Mary Anne Halliday, and to their children, that they may know of our abiding concern for them in their time of sorrow.

Which was read and referred to the Standing Committee on Rules.

Mr. Pearson offered the following Senate Joint Resolution, to-wit:

S. J. R. 345. WHEREAS numerous Alabama business and commercial establishments have consented to make available a 10% discount on merchandise and services provided to citizens 60 years of age or older; and

WHEREAS a majority of these citizens face the difficulty of living on fixed incomes and frequently on some form of limited public assistance, primarily social security;

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING That this body go on record in recommending and requesting that as many Alabama businesses as possible make this discount available to an increased number of persons.

BE IT FURTHER RESOLVED That all businesses who currently practice this courtesy be officially commended and congratulated on their kindness and public service.

FURTHER RESOLVED That copies of this resolution be sent to the Executive Director of the Alabama Commission on Aging and to each member of the Board of Directors of the Alabama Retail Merchants Association, and to the President of the Alabama League of Aging Citizens and its affiliated organizations.

Which was read and referred to the Standing Committee on Rules.

Mr. Owen offered the following Senate Joint Resolution, to-wit:

S. J. R. 346. MOURNING THE DEATH OF SAMUEL CLAY PRUETTE, FORMER MAYOR OF BAY MINETTE.

WHEREAS, the Legislature of Alabama notes with deep regret the death of Samuel Clay Pruette on November 21, 1977, in Bay Minette, Alabama, at the age of 72; and

WHEREAS, Mr. Pruette was a native of Grove Hill, Clarke County, Alabama, and a veteran of World War II, who had retired from the automobile sales business in 1955 when he ran for mayor of Bay Minette; and

WHEREAS, he defeated the incumbent mayor in one of the largest voter turnouts ever recorded in Bay Minette, and was to serve in mayoralty until his retirement in 1975 after 19 years of providing astute and dedicated direction for his city; and

WHEREAS, Mayor Pruette, a beloved and influential leader in the life of his community, is indeed sorely missed by his family, his many friends, and by all those whom he so devotedly served; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do greatly mourn the death of Samuel Clay Pruette of Bay Minette, Baldwin County, Alabama, and direct that a copy of this resolution be sent to his wife, Mrs. Louise F. Pruette, so

that she and other family members might know of our deep sorrow and regret.

Which was read and referred to the Standing Committee on Rules.

Mr. Jones offered the following Senate Joint Resolution, to-wit:

S. J. R. 347. COMMENDING MR. REX THOMAS, MONTGOMERY CORRESPONDENT, ASSOCIATED PRESS.

WHEREAS, at a recent meeting of the Editors of Associated Press newspapers in Alabama, Montgomery's Rex Thomas was honored for his thirty-five years of continuous service with the bureau; and

WHEREAS, Mr. Thomas, who is a native of St. Joseph, Missouri, was first employed by the Associated Press in Atlanta in December, 1942, was transferred to Montgomery two years later and became the correspondent in charge of the Montgomery bureau in April, 1945; and

WHEREAS, through his many years of covering the proceedings of the Alabama Legislature, Rex Thomas has come to be a familiar friend, both admired and respected for his talents, ability and keen perception into the affairs of government of the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Rex Thomas on his distinguished journalistic career; we congratulate him on his Associated Press Service Award, wish him every future success and direct that he be presented with a copy of his resolution as a token of our appreciation and esteem.

Which was read and referred to the Standing Committee on Rules.

Mr. Jones then offered the following Senate Joint Resolution, to-wit:

S. J. R. 348. COMMENDING JUDGE SAM TAYLOR, FORMER LEGISLATOR.

WHEREAS, the Alabama Legislature notes with extreme pleasure the appointment of our former colleague in the Legislature, Judge Sam Taylor, as Circuit Judge, to fill the unexpired term of the late and esteemed Judge William F. Thetford; and

WHEREAS, Sam Taylor is a graduate of the University of Alabama, having earned degrees in both business administration and law from that institution; he later earned a Master's of Law Degree from New York University, was appointed to the post of Montgomery County Court Judge in 1975, elected District Court Judge in 1976 and in July, 1977, was named president of the Alabama Association of District Judges; and

WHEREAS, Judge Taylor, at the time of his appointment as circuit judge, was serving as presiding judge of the Montgomery District Court; he also served in the Legislature as a representative from Montgomery County from 1971 to 1975, earning the respect and friendship of those of us privileged to serve with him; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily congratulate and commend our friend, Sam Taylor, on his appointment as circuit judge, and direct that he receive a copy of this resolution as a token of our esteem.

Which was read and referred to the Standing Committee on Rules.

Mr. Jones then offered the following Senate Resolution, to-wit:

S. R. 349. MOURNING THE DEATH OF JUDGE WILLIAM F. THETFORD.

WHEREAS, the Alabama Senate has noted with deep sorrow the death of the beloved Judge William F. Thetford of Montgomery on August 11, 1977; and

WHEREAS, Judge Thetford was prominent in the Montgomery legal system for over forty years, highly respected by his peers for his knowledgeability, wisdom and sound reasoning; and

WHEREAS, William F. Thetford, who received his law degree from the University of Alabama in 1935, practiced law in his native Montgomery until 1941 at which time he joined the Federal Bureau of Investigation to work primarily on counter-espionage assignments for two years during World War II, resigning only to join the United States Navy with combat service in the Pacific; and

WHEREAS, following his discharge as a lieutenant commander, Billy Thetford resumed the practice of law until 1950 when he was elected Montgomery County Solicitor, serving for three terms during which time he was a prominent figure in many court actions related to incidents occurring in Montgomery during the troubled times of the 1950's; and

WHEREAS, he was appointed Family Court Circuit Judge in 1963, named presiding judge of the Montgomery Circuit Court's Criminal Division in 1975 and, early in 1977, was selected Chief Judge of the Court's Civil Division; and

WHEREAS, Judge Thetford was a member of both the Montgomery County and the American Bar Associations and was elected president of the Circuit Solicitor's Association of Alabama in 1958, having previously served as secretary-treasurer; he also was a member of Alpha Tau Omega social fraternity, Phi Delta Phi legal fraternity, the Kiwanis Club of Montgomery, Masonic Lodge, Shrine, American Legion, Veterans of Foreign Wars and Trinity Presbyterian Church; and

WHEREAS, he was a highly respected member of his community who gave untiringly of himself in the furtherance of innumerable worthwhile endeavors of charitable, civic and religious nature; now therefore,

BE IT RESOLVED BY THE SENATE OF THE STATE OF ALABAMA, That we grievously mourn the death of Judge William F. Thetford of Montgomery, Alabama; we deeply regret his passing and extend our most heartfelt sympathy to his wife, Mrs. Dorothy Teague Thetford, to their five sons, William F., Jr., Eugene J., Joseph D., Peyton C. and Robert T. Thetford, and other family members to who copies of this resolution shall be sent.

Which was read and referred to the Standing Committee on Rules.

Mr. Edwards offered the following Senate Joint Resolution, to-wit:

S. J. R. 350. NAMING THE FORMER TUBERCULOSIS SANATORIUM IN FLINT CITY, NOW OWNED BY THE STATE DEPARTMENT OF MENTAL HEALTH, "THE E. M. 'ED' FRAZIER NORTH ALABAMA REGIONAL HOSPITAL."

WHEREAS, Mr. E. M. "Ed" Frazier, a native of Tennessee and a graduate of the University of Tennessee, was a longtime resident of Decatur, Morgan County, Alabama; and

WHEREAS, Ed Frazier was one of Decatur's most prominent businessmen, who, at the time of his death on December 11, 1977, was the owner and operator of Frazier Machinery and Supply Company which he established in 1937; and

WHEREAS, further, he was actively involved in many of the civic and charitable affairs of his community as a member of the Masonic Lodge, a past president of the Decatur Shrine Club, member of the Mayor's Committee of 50, the Chamber of Commerce, Junior Achievement and the Tennessee River Valley Authority; he also was a 40-year member of the Decatur Lions Club and a lifetime honoree of the Alabama Boys and Girls Ranch; and

WHEREAS, he was politically active in the Democratic Party, having attended many of the national party conventions, and also served for some 20 years as North Alabama campaign coordinator for Governor George Wallace; and

WHEREAS, Mr. Frazier was one of our state's most highly respected and productive citizens who devoted his time and talents in dedicated service to others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate the former tuberculosis sanatorium in Flint City, Morgan County, Alabama, now owned by the State Department of Mental Health, "The E. M. 'Ed' Frazier North Alabama Regional Hospital."

BE IT FURTHER RESOLVED, That the proper authorities are directed to cause appropriate signs and markers to be erected and maintained in designating said hospital as "The E. M. 'Ed' Frazier North Alabama Regional Hospital."

On motion of Mr. Edwards, the Rules were suspended and the Resolution was adopted by the Senate.

UNFINISHED BUSINESS

BILLS ON THIRD READING

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 179. To amend Section 40-18-20 of the Code of Alabama 1975, relating to a state income tax exemption for military retirement benefits so as to provide further for such exemption.

The question was on the motion of Mr. Waldrop that further consideration of the Bill, S. B. 179, be postponed until the Ninth Legislative Day.

On motion of Mr. King, the motion to postpone was laid on the table.

Yeas 17; Nays 7.

Yeas:

Messrs. Baker, Bank, Fine, Goodwin, Jones, King, Little, McDonald (A),

McDonald (S), McMillan, Miller, Mitchell, Owen, Perry, Roberts, Stewart, Vacca.

—17

Nays:

Messrs. Clemon, Mims, Pearson, Peden, Perloff, St. John, Waldrop.

—7

Mr. Waldrop then offered the following amendment to the Bill, S. B. 179, to-wit:

AMENDMENT TO S. B. 179

Amend S. B. 179 by inserting new Section 2 to read as follows and renumbering current Section 2 to read Section 3.

Section 2. The provisions of this Act shall apply to retirees of Republic Steel and Goodyear Tire and Rubber Company.

ADJOURNMENT

At 4 o'clock P. M., Mr. Waldrop moved that the Senate adjourn until Thursday, January 26, 1978, at 10 o'clock A.M.

Mr. Stewart offered a substitute motion that the Senate adjourn until Thursday at 11 o'clock A.M., which motion was lost.

Yeas 7; Nays 17.

Yeas:

Messrs. Edwards, McDonald (S), Peden, Perloff, Powell, Waldrop, Wilson.

—7

Nays:

Messrs. Baker, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McMillan, Miller, Mims, Noonan, Owen, Pearson, Perry, Stewart, Vacca.

—17

Mr. Fine offered a substitute motion that the Senate adjourn until Wednesday, January 25, 1978, at 10 o'clock A.M., which motion was lost.

Yeas 7; Nays 20.

Yeas:

Messrs. Baker, Fine, Gilmore, McDonald (S), Owen, Powell, Roberts.

—7

Nays:

Messrs. Edwards, Goodwin, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Pearson, Peden, Perloff, Perry, Proctor, Stewart, Vacca, Waldrop, Wilson.

—20

Mr. Perry offered a substitute motion that the Senate adjourn until

Thursday at 10:45 A.M., which motion was adopted, and at 4:10 P.M., pending further consideration of S. B. 179, the Senate adjourned until Thursday, January 26, 1978, at 10:45 A.M.

SIXTH LEGISLATIVE DAY

THURSDAY, JANUARY 26, 1978

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

PRAYER

The Session was opened with prayer by the Reverend Mickey Castleberry, Pastor, First Baptist Church, Wetumpka, Alabama.

ROLL CALL

Present:

Messrs. Baker, Bank, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Waldrop, Wilson.

—31

JOURNAL

On motion of Mr. Peden, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Fifth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

MASTON MIMS,
Vice Chairman.

COMMITTEE REPORT

On motion of Mr. Mims, the foregoing report was concurred in and the Journal of the Senate for the Fifth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. Peden, leave of absence was granted Messrs. Adams, Clemon, Noonan, and Stewart for today.

BILLS RE-REFERRD

Mr. Jones moved that the Bills, S. B.'s 91 and 177, be removed from the Standing Committee on State Government and re-referred to another Committee, under the provisions of Rule 76 (b).

And the President and Presiding Officer of the Senate ordered said Bills, S. B.'s 91 and 177, re-referred to the Standing Committee on Finance and Taxation.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Peden:

S. 474. To prohibit state supported junior colleges, colleges and universities from constructing or otherwise acquiring branch campuses for operation within a certain radius of any other such junior colleges, colleges or universities without the express consent of the Legislature.

Committee on Finance and Taxation.

By Mr. Peden:

S. 475. To grant the University of North Alabama the power of eminent domain within Lauderdale County in the State of Alabama.

Committee on Judiciary.

By Mr. Bank:

S. 476. To amend Sections 4 and 11 of Act No. 986, S. 77, 1969 Regular Session (Acts of 1969, p. 1734; now appearing in Code of Alabama, Recompiled 1958, Title 46, Sections 189 (51) and 189 (58)), entitled "An act to create the state board of examiners of nursing home administrators; to prescribe the powers of the state board of examiners of nursing home administrators; to provide for the issuance of licenses for nursing home administrators; and to prescribe penalties for violations of this act and rules and regulations promulgated thereunder", so as to alter the board membership and to increase the biennial license fee.

Committee on Health and Welfare.

By Mr. Perloff:

S. 477. To change Title 36, Chapter 12, Section 40, Code of Alabama, recompiled 1976, to provide for exclusion of medical records and vital statistics records maintained by the State and County Health Departments from public inspection.

Committee on Judiciary.

By Mr. Shelby:

S. 478. To amend Section 11-42-21, Code of Alabama 1975, which section provides for annexation of territory by municipalities of 2,000 inhabitants or more so as to provide a procedure for altering the corporate

boundaries of such incorporated municipalities in the event one or more such incorporated municipalities have overlapping police jurisdictions.

Committee on Local Government.

By Mr. Pearson:

S. 479. To create a cabinet level position known as "Commissioner of Utilities"; to provide for the appointment, term and compensation of said commissioner; to provide that the public service commission shall abrogate certain powers, duties, authority and jurisdiction in favor of said commissioner; to further empower said commissioner to increase and decrease utility rates and charges in the best interests of the consumer public; to provide for direct appeal to the state supreme court of certain orders issued by said commissioner; to provide for the staffing of said commissioner's office; to make necessary appropriations to carry out the provisions of this Act and to provide for supplemental effect.

Committee on Conservation.

By Mr. Edwards:

S. 480. Proposing an amendment to the Constitution of Alabama restricting all even-year regular sessions of the legislature to the subjects of local legislation and the budget, commencing with the 1979 regular session of the legislature, and restricting the number of days for such sessions.

Committee on Constitution and Elections.

The above Bill was read a first time at length as required by the Constitution.

By Messrs. Edwards and Baker:

S. 481. To provide that educators shall be paid for up to 50 days of accrued sick leave at the same rate as his regular pay at the time of his retirement and to appropriate from the Alabama Special Educational Trust Fund to fund this benefit.

Committee on Finance and Taxation.

By Mr. Waldrop:

S. 482. To provide that upon the death of a state employee his beneficiary shall be entitled to a payment of one-half of his accrued sick leave and to repeal all conflicting statutes.

Committee on State Government.

By Mr. McDonald (A):

S. 483. To amend Section 12-18-10 of the Code of Alabama 1975, relating to the retirement and disability benefits of judges so as to provide that the retirement benefits of judges shall not change as the salary for the position from which such judge retired changes.

Committee on Judiciary.

By Mr. McDonald (A):

S. 484. To amend Section 12-80-10 of the Code of Alabama 1975, relating to the retirement and disability benefits of judges so as to provide

that the retirement benefits of judges shall be based on the salaries of judges as of January 1, 1978; and to further provide for the salaries and expense allowances of active judges.

Committee on Judiciary.

By Mr. McDonald (A):

S. 485. To amend Section 40-9-1 of the 1975 Code of Alabama, so as to provide for the exemption from ad valorem taxation of all improvements to real estate designed and installed for the specific purpose of providing solar energy for heating, cooling and all other applications.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Perry:

S. 486. To appropriate from the Alabama Special Educational Trust Fund the sum of five million five hundred thousand (\$5,500,000.00) dollars for capital outlay and renovation purposes at Troy State University for the fiscal year beginning on October 1, 1978.

Committee on Finance and Taxation.

By Mr. Fine:

S. 487. To regulate the practice of design, construction, or installation of heating and air conditioning equipment, and roofing and sheet metal; to create a regulatory board for such purpose; to provide for the officers, membership, duties, authority, meetings and terms of the board; to vest rule-making and examining authority and the power to levy fines in the board; to provide for certification fees and their disposition; to require contractors in the regulated trades to be certified and bonded; to exempt certain persons from certain provisions hereof; and to provide penalties for violation of this act.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Waldrop:

S. 488. To authorize Alabama Public School and College Authority to sell and issue two hundred sixty million dollars (260,000,000) aggregate principal amount of additional bonds for capital improvements for public educational purposes, including libraries, laboratories and facilities for athletics, recreation and physical education, and research facilities, including the acquisition of land, for colleges and universities, vocational-technical institutes, junior colleges, elementary-secondary school systems and special schools; to provide for the details of the bonds and for the public sale thereof; to make an appropriation and pledge for payment of the principal of and interest on the bonds of proceeds from specified excise taxes to the extent necessary to pay the principal and interest at their respective maturities; to authorize the Authority to pledge for payment of the principal of and interest on the bonds the monies so appropriated and pledged; to provide that the bonds shall be limited obligations of the Authority payable solely out of the funds so appropriated and pledged and will not create a debt or obligation of the State; to provide that the bonds and the income therefrom shall be exempt from taxation in this State and the bonds may be used to secure deposits of funds of this State and its political subdivisions,

instrumentalities and agencies, and for investment of fiduciary funds; to authorize the issuance by the Authority of refunding bonds for the purpose of refunding the principal of any then outstanding bonds theretofore issued by either the Authority or Alabama Education Authority or both, and the expenses of such refunding and any premiums necessary to retire those so refunded; to provide that after payment of the expenses of the issuance of the bonds the proceeds from the sale thereof shall be disbursed on orders or warrants issued by or under the direction of the Authority for the purposes for which they are authorized to be issued; and to provide that if any portion of this Act should be held invalid such holding shall not affect the validity of any other portion thereof.

Committee on Finance and Taxation.

By Messrs. McMillan and Owen:

S. 489. To amend extensively the "Sunset Act of 1976" Act No. 512, S. 128 of the 1976 Regular Session (Acts 1976, Vol. I, p. 640), to specifically amend the title and Sections 2, 3, 5, 6, 8, 9, 10, 11, 14 and 15 of said act, so as to further provide for the procedures for termination and review of any agency; to prescribe that each agency shall be reviewed at least every eight years and that termination for any agency shall be automatic unless both houses concur that it shall be continued, modified or re-established; to allow the committee flexibility in its recommendations pertaining to the agency reviewed; to add a twelfth member to the Sunset Committee and to prescribe that the governor's representative shall be non-voting; and to provide for an effective date.

Committee on Finance and Taxation.

By Mr. Little:

S. 490. To make an emergency supplemental appropriation from the Alabama Special Educational Trust Fund to the Randolph County Board of Education to be used to restore or replace the Folsom Junior High School which was damaged by fire.

Committee on Finance and Taxation.

By Mr. Teague (with notice and proof):

S. 491. To authorize, provide for and regulate the establishment and operation of a pension and retirement system for employees of the City of Childersburg and certain municipal boards of such city; to authorize and provide for the establishment of the Childersburg Employees Pension Trust Fund, provide for the composition, management and administration of such trust funds; and to authorize, provide for and regulate the payments of benefits under the system.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 491, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Messrs. Ellis, Perry and McMillan:

S. 492. To establish a register of outstanding landmarks, structures, sites and objects of historical and/or architectural and/or archaeological

significance to be maintained by the Alabama Historical Commission; to establish criteria for said register; and to make provision for the protection of said landmarks.

Committee on State Government.

By Mr. McDonald (S):

S. 493. Proposing an amendment to the Constitution of Alabama that further regulates the length of certain sessions of the legislature and provides that each second and fourth regular session of each term of office of the legislature shall be restricted to the subjects of the budget, raising revenue, and measures recommended by the governor, and any other matters shall require the affirmative vote of two-thirds of the elected members of each house.

Committee on Constitution and Elections.

The above Bill was read a first time at length as required by the Constitution.

By Messrs. Ellis, St. John, Mims, McDonald (A) and Goodwin:

S. 494. To amend Section 3203 of Act No. 607, S. 33 of the 1977 Regular Session of the legislature (1977 Acts p. 812) known as the "Alabama Criminal Code," so as to include theft of cattle within the definition of theft of Property in the Second Degree.

Committee on Agriculture.

By Mr. Powell:

S. 495. To appropriate from the Alabama Special Educational Trust Fund the sum of Eight Million Nine Hundred Fifty Thousand Dollars (\$8,950,000.00) for capital outlay and renovation purposes at Alabama State University in Montgomery for the fiscal year beginning on October 1, 1978.

Committee on Finance and Taxation.

By Mr. Mims:

S. 496. Relating to Native Americans; creating the Southwest Alabama Indian Affairs Commission; providing for its duties and membership; prescribing the method of appointment and compensation of the members of said commission; providing for an appropriation for such commission from the state general fund; and repealing all laws or parts of laws conflicting with this act, specifically repealing Act No. 533, S. 449, 1976 Regular Session (Acts of 1976, p. 684).

Committee on Finance and Taxation.

By Mr. Baker (with notice and proof):

S. 497. Relating to DeKalb County; requiring the State Highway Director to pay out of the DeKalb County distributive share of the State Gasoline tax any judgment for damages and court costs rendered against Billy Ray Barksdale, individually, pursuant to a motor vehicle collision which occurred on or about March 14, 1975, in DeKalb County while he was performing his duties as a state highway department employee employed in DeKalb County.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 497, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Callahan:

H. 94. To re-enact Act No. 703 enacted at the 1976 Regular Session of the Legislature of Alabama and to amend the Title and Sections 1, 3, 4, 6 and 8 thereof, to add a new Section 7 and to re-number subsequent sections accordingly; to increase the aggregate principal amount of revenue bonds therein authorized to be issued by the Alabama State Docks Department, to increase the maximum amount of and otherwise provide for the special processing charge therein created to pay the principal of and interest on the revenue bonds authorized therein, and to provide for the sale and issuance by the Department of refunding bonds.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 94. to the Committee on Seaports and Inland Waterways.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Holmes (D), Merrill, Smith (C), Manley, Owens, Clark, Armstrong, Martin, Roberts, Naramore, Cates, Moore (W), Lutz, Carter, McNees, Moore (O), Cross, White, Venable, Dial, McCluskey, Shoemaker, Edwards, Ward, Baker, Whatley, Quarles and McCorquodale:

H. 217. To amend further section 12-19-210, Code of Alabama 1975, as amended, which relates to jurors' expense allowances, so as to provide that such allowances shall be payable from the state treasury, and to make the act retroactive.

Also:

By Mr. Gafford:

H. 128. To comply with the Omnibus Crime Control and Safe Streets Acts of 1968, (PL 90-351), as amended and establishes the ALABAMA LAW ENFORCEMENT PLANNING AGENCY.

Also:

By Mr. Pegues:

H. 184. To authorize municipalities which retain their municipal courts to retain funds collected as "fair trial tax" and to use such funds to defray the costs of providing representation for indigent defendants in their courts; to require that such municipalities remit to the state treasury any funds collected as "fair trial tax" which are not used in providing representation for indigent defendants in their courts, notwithstanding the provisions of Article 5, Chapter 19, Title 12, Code of Alabama, 1975; to repeal conflicting laws.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 217 and 184. To the Committee on Judiciary

H. B. 128. To the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Biddle:

H. 13. To amend Sections 34-27-3, 34-27-4, 34-27-7, 34-27-9, and 34-27-33 through 34-27-38 of the Code of Alabama 1975 which regulate real estate brokers, salesmen and real estate transactions, so as to provide further therefor.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 13. To the Committee on Commerce, Transportation, and Utilities

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Edwards:

H. 375. To provide for the slaughtering, inspecting, or processing for human consumption of any domestically raised rabbit.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 375. To the Committee on Agriculture

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Crawford:

H. 304. To make an appropriation from the Alabama Special Educational Trust Fund to the Henry County Board of Education for capital outlay purposes to be used to restore or replace the Newville Elementary School which was destroyed by fire.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 304. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Campbell, McCorquodale, Manley, Pegues, Lockett and Dial:

H. J. R. 82. MOURNING THE UNTIMELY DEATH OF JOHN KENNETH BRACKETT.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 82, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Sonnier:

H. J. R. 79. ASKING THE CITY COMMISSION OF MOBILE TO HALT ALL EFFORTS TO DEVELOP THE HOUSTON STREET EXTENSION UNTIL SUCH TIME AS THEY CAN SHOW REASONABLE CAUSE TO CONSTRUCT SUCH A DEVELOPMENT.

WHEREAS, the last survey of the Houston Street area was taken in 1971, some seven years ago; and

WHEREAS, there are a number of new residents in this area who have not had the opportunity to voice their opinion on the proposed development; and

WHEREAS, the present proposed development by the City Commission of Mobile is unfair to these residents, and would cost some two million of the taxpayer's dollars; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Legislature most respectfully requests that the City Commission of Mobile halt all plans to develop the Houston Street Extension until such time as just cause for such development is shown, and the residents of the area have had the opportunity to express their grievances.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 79, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. McNair:

H. 1. To amend further Act No. 249, H. 492, Regular Session of 1967 (Acts of 1967, p. 629; now appearing in Code of Alabama, Recompiled 1958, Title 55, Section 244 (9), so as to include the dean of Miles College Law School as a member of the council of the state law institute.

Also:

By Messrs. White, Manley, Gafford, Harris, Barron, Roberts, Folmar, Johnstone, Hill, Jackson (R), Leonard, Crowe, Robertson, Lutz, Kennedy and Warren.

H. 308. To amend Section 12-16-2, Code of Alabama 1975, which relates to persons exempted from jury duty, so as to exempt only practicing attorneys and judges.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 1 and 308. To the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. McCluskey, Dial, Shoemaker, Moore (O):

H. J. R. 76. NAMING THAT PORTION OF U. S. HIGHWAY 280 FROM THE NORTH BOUNDARY OF TALLADEGA COUNTY TO THE SOUTH BOUNDARY OF COOSA COUNTY, "THE JIM NABORS HIGHWAY."

WHEREAS, James Thurston Nabors is a native of Sylacauga, Talladega County, Alabama, born June 12, 1932, son of Fred Canada and Mavis Pearl Newman Nabors; and

WHEREAS, he was educated in the public schools of Sylacauga and graduated with a B. S. Degree from the University of Alabama where he was a member of Delta Tau Delta Fraternity; and

WHEREAS, Jim Nabors first appeared in 1962 as "Gomer Pyle" on the nationally televised "Andy Griffith Show" and as a result of his tremendous popularity and reception by the American public, starred in his own series, "Gomer Pyle, U.S.M.C." which even today is being shown and enjoyed on television stations from coast to coast; and

WHEREAS, for many years, Jim Nabors has continued to delight millions of fans throughout the world, not only as a versatile comedian, but also as an exceptionally talented singer and musician and, as such, is one of the most popular figures in the entertainment field today; and

WHEREAS, this body is indeed grateful and appreciative of the fame and honor Jim Nabors, our native son, has brought to the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the portion of U. S. Highway 280 from the north boundary of Talladega County, Alabama to the south boundary of Coosa County, Alabama, is hereby designated as, "The Jim Nabors Highway."

BE IT FURTHER RESOLVED, That the proper authorities are directed to cause appropriate signs and markers to be erected and maintained in designating said portion of U. S. Highway 280 as "The Jim Nabors Highway."

RESOLVED FURTHER, That a copy of this resolution be presented to Mr. Nabors that he may know of this designation effected in appreciation and as praise.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 76, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Messrs. Baker and Whatley:

H. J. R. 17. CONGRATULATING PHENIX CITY ON WINNING THE ALABAMA DIZZY DEAN BASEBALL TOURNAMENT.

Also:

By Messrs. Baker and Whatley:

H. J. R. 18. MOURNING THE DEATH OF HAROLD S. COULTER OF PHENIX CITY, ALABAMA.

Also:

By Messrs. Waggoner and Armstong:

H. J. R. 19. COMMENDING AND CONGRATULATING THE HOOVER RAIDERS SIXTY-FIVE POUNDERS.

Also:

By Mr. Waggoner:

H. J. R. 20. CONGRATULATING THE HALL OF FAME PROMOTERS ON THEIR INAUGURAL CLASSIC.

Also:

By Mr. McCluskey:

H. J. R. 24. COMMENDING DAVID MOTES UPON BEING NAMED THE OUTSTANDING GRADUATE OF THE AUBURN UNIVERSITY SCHOOL OF ENGINEERING.

Also:

By Mr. McCluskey:

H. J. R. 25. COMMENDING MR. RICHARD HARDY, SAFETY AWARD RECIPIENT.

Also:

By Mr. McCluskey:

H. J. R. 26. COMMENDING MRS. DIANE CLEVELAND, RECI-

PIENT OF THE SYLACAUGA EXCHANGE CLUB'S "WOMAN OF THE YEAR" AWARD.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolutions, H. J. R.'s 17, 18, 19, 20, 24, 25, and 26, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

REPORTS OF COMMITTEES

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Pearson (With Substitute):

S. 356. TO AMEND, Section 40-23-35, Code of Alabama 1975, so as to provide for the distribution of the proceeds from the four percent (4%) sales tax; to provide that the distribution rate to the State Department of Pensions and Security for the administration of the Food Stamp Act of 1964, Public Law 88-525, 88th Congress, and amendments enacted thereto, shall be five percent (5%) of the value of the coupons issued statewide in excess of the amount paid by recipients (bonus or free stamps) during the immediate prior fiscal quarter; and to change the Food Stamp program from a County/State operation to a State administered program.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Gilmore, Proctor, McMillan, Clemon and Wilson:

S. 407. Relating to genetics service in public health so as to provide for the University of Alabama in Birmingham Medical Genetics Center expanding its program to provide diagnostic facilities, genetic counseling and prenatal testing for genetic disorders in order to encourage prevention of birth defects and mental retardation; and appropriating an additional \$100,000.00 from the Special Educational Trust Fund to implement the program provided for in this Act.

By Messrs. Gilmore, Pearson, Vacca, Clemon and Ellis:

S. 406. Making an appropriation for the support and sponsorship of the 1978 VICA U. S. Skill Olympics.

By Mr. Teague:

S. 159. To amend Section 2 of Act 281, H. 295, Special Session, 1966 (Title 52, Section 622(5)), which is the Alabama Educational Benefits for Dependents of Blind Parents Act, so as to increase the amount of family income allowed in a family where the head of the household is blind for dependents to be eligible for educational benefits at institutions of higher learning.

By Mr. Little:

S. 102. Relating to taxation, exempting the American Diabetes Association, Alabama Affiliate, Inc., a non-profit corporation organized and existing under the laws of the State of Alabama, and its departments and agencies from the levy of the state sales and use taxes.

By Mr. Powell:

S. 367. To amend Section 36-22-16 of the Code of Alabama, 1975, to provide for the compensation of the sheriffs of the several counties in this state.

By Mr. Edwards:

S. 333. To provide for a treatment program for persons suffering from cystic fibrosis and related diseases, and the administration therefor; and appropriating \$100,000 from the Special Educational Trust Fund for the purposes of this act.

By Messrs. King, Baker, McDonald (A), Pearson, Clemon, Waldrop and Roberts:

S. 387. To appropriate from the Special Educational Trust Fund the sum of \$10,000,000.00 for the fiscal year ending September 30, 1979, to finance certain capital improvements at Alabama Agricultural and Mechanical University in Huntsville, Alabama.

By Mr. Roberts:

S. 66. To direct the state department of education to establish and maintain public kindergarten programs as an integral part of the public schools in Alabama, and to provide an appropriation from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1979.

By Mr. Little:

S. 69. To prescribe that all earned interest accruing to the state treasury, pursuant to Section 41-14-30 of the Code of Alabama, 1975, as amended, shall be designated for medicaid purposes.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. St. John (With Substitute):

S. 307. To reopen the Employees' Retirement System of Alabama for prior service for certain members in certain counties who are precluded from obtaining credit for such service for reasons other than nonmembership; providing that as a prerequisite to such credit members must, on October 1, 1977, be an active and contributing member of the Employees' Retirement System of Alabama and in the active service of the employer for whom such prior service was rendered; providing that employers participating in the retirement system shall pay such employer costs as are necessary with respect to their employees subject to this Act; and providing that this Act shall take effect October 1, 1977.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Stewart, Little and Gilmore:

S. 470. To exempt Alabama World War I pensioners from all income requirements in determination of their eligibility for benefits under the Alabama Medicaid Program.

Mr. St. John, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Roberts (With Amendment):

S. 197. To provide that any conference or confidential communication between any priest, rabbi, or ordained minister and a member of his congregation or any person seeking spiritual or moral guidance shall be a privileged communication under the laws of this state.

Mr. St. John, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. St. John:

S. 246. To provide that any person who produces, displays, disseminates, or possesses with intent to disseminate obscene matter displaying or depicting children under the age of seventeen years engaged in lewd sexual activity or any parent or guardian who knowingly permits their child to be depicted therein shall be guilty of a felony and punished as provided herein, to provide a method of proof that such child is under the age of seventeen, to provide that possession of six or more copies of the same obscene material is prima facie evidence of intent to disseminate the same and to provide for the forfeiture and condemnation of certain property used in or related to the defined crimes, and to provide definitions for its provisions.

By Mr. McMillan:

S. 61. To amend Section 630 of Act No. 607, H. 1134 of the 1977 Regular Session, which section sets the justification for the use of force in making an arrest or in preventing an escape, so as to remove the restrictions on the use of deadly force when a peace officer is performing his lawful duty; and to provide for the effective date.

By Mr. Little:

S. 70. To provide for the public offense of library theft; to define the offense and to define certain terms; to provide certain presumptions of law relative to the offense; to authorize, under certain circumstances, library employees or agents to detain suspected offenders if such detention is based on probable cause; to provide criminal and civil immunity for such library personnel for detentions and resulting arrest authorized under this act; to authorize arrest for the offense by law enforcement officers, without a warrant and upon probable cause; to provide a misdemeanor penalty for the offense which shall be cumulative to existing theft penalties of this state; and to require public and conspicuous display of the provisions of this act in libraries and other institutions covered by the act.

By Mr. McDonald (A):

S. 397. To amend Section 32-6-19, Code of Alabama 1975, as last amended, relating to the suspension and revocation of driving privileges, so as to provide for the admission in evidence of a certificate of revocation from the Director of Public Safety.

By Mr. St. John:

S. 441. To provide that Alabama enter into Interstate Agreement on Detainers Act, with other member-states, which promotes cooperation between the several states to secure a speedy trial of persons already incarcerated in other jurisdictions by the expeditious and orderly disposition of all detainers based on untried indictments, information or complaints; and to further provide for the uniform mandatory disposition of detainers so as to prescribe the manner and procedures for release of detainers available to incarcerated persons against whom there is pending untried indictments, information or complaints.

Mr. King, Chairman of the Standing Committee on Constitution and Elections, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Ellis, King, Vacca, Jones, McDonald (S), Baker, Noonan, Perry, Wilson, Pearson, Goodwin, Owen, Bank, Teague, McDonald (A) and Mims:

S. 286. Relating to elections and voting in them; providing for the use of electronic voting systems in elections; providing the requirements for these systems; providing that procedures to be used in connection with elections in which these systems are used, including additional procedures for dividing precincts and designating voting places therein; providing election officers for such polling places and prescribing duties and compensation of such election officials.

By Mr. King:

S. 151. To provide for holding a convention to revise and amend the Constitution of this state, to provide consulting and professional assistance, and to make a conditional appropriation.

Mr. King, Chairman of the Standing Committee on Constitution and Elections, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. King, St. John, McDonald (S) and McDonald (A) (With Amendment):

S. 271. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, relating to the mode of amending the Constitution; to repeal and supersede Article XVIII and Amendment No. 24 of said Constitution and all other conflicting provisions thereof.

The above Bill was read a second time at length as required by the Constitution.

Mr. King, Chairman of the Standing Committee on Constitution and Elections, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Roberts:

S. 90. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, relating to local government and home rule; amending and superseding specifically Sections 38, 39, 40, 41, 89, 220 and 228 and Amendments No. 81, 132, 140, 142, 144 and 184 of the Constitution of Alabama of 1901, as amended; and repealing and superseding all other conflicting provisions of said constitution and amendments thereto.

The above Bill was read a second time at length as required by the Constitution.

Mr. Bank, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. McDonald (A):

S. 185. To amend Section 34-26-22, Code of Alabama 1975, by changing the biennial registration fee for licensed psychologists to an annual registration fee of \$50.00; to amend Section 34-26-43, Code of Alabama 1975, by increasing the application fee for permanent licenses as psychologists to \$125.00; and to provide for an examination fee for candidates for licensure as psychologists not to exceed \$100.00.

By Messrs. McDonald (A), Stewart, King, McDonald (S) and Waldrop:

S. 189. To regulate the practice of counselors in Alabama; to create a Board of Examiners in Counseling; to prescribe the duties and powers of said Board; to provide for the examination and licensure of counselors and the examination and certification of counselor associates; to fix penalties for the violation of this Act; to impose licensure and certification fees and to provide for the use of funds received.

By Mr. Noonan:

S. 225. To create in the State of Alabama a "Joint Advisory Board of Family Practice" to further the supply of competent family physicians; to provide for the Board's membership number and selection; and to establish the duties and authorities of the Advisory Board.

By Mr. Noonan:

S. 230. Relating to the employees' retirement system of Alabama; providing further for allowable earnings for certain retirees thereof who are employed by any governmental, public or quasi-public agency or entity; and repealing any conflicting laws.

By Mr. Noonan:

S. 227. To amend further Section 1, of Act No. 530, H. 635 of the 1949 Regular Session (Acts 1949, p. 835), which act relates to public health and licensure of hospitals, so as to further prescribe regulations therefor and clarify and expand the definitions.

By Mr. Bank:

S. 210. To amend Section 347(a) and Section 350(a) of Title 22, Code of Alabama, 1940, to define the respective jurisdictions of the County and Municipal Governments with relation to Solid Waste collection and disposal.

By Mr. McMillan:

S. 314. To amend Section 34-24-75 of the Code of Alabama, 1975, so as to provide for the issuing of limited certificates of qualification to practice medicine without examination to physicians enrolled in approved residency training programs.

By Mr. St. John:

S. 451. To amend Section 22-21-70 of the Code of Alabama of 1975 so as to expand the definition of the term "hospital" contained in said section to include facilities to provide offices for persons engaged in the diagnosis, treatment or cure of sick and injured persons and to house or service equipment used for the diagnosis, treatment or cure of sick or injured persons or the records of such diagnosis or treatment or research with respect to any of the foregoing and to include parking facilities, areas or structures appurtenant to any facilities included within the meaning of the term "hospital."

Mr. Mims, Chairman of the Standing Committee on Agriculture, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Mims:

S. 221. Relating to the manufacture and distribution of commercial feeds; requiring licensing of manufacturers of commercial feeds; requiring the labeling of such feeds; prohibiting the adulteration of misbranding of any commercial feeds; providing for the inspection of such feeds; authorizing the commissioner of agriculture and industries to promulgate certain rules and regulations for enforcement of the act; providing penalties for violations; and repealing Sections 56-68, Title 2, Code of Alabama 1940.

By Messrs. McDonald (A) and Mims:

S. 347. To amend Section 8-16-51 of Title 8 of the Code of Alabama 1975 to increase the annual appointment fee required to be paid to the Commissioner of Agriculture and Industries by persons engaged in the business of weighing for hire designated as weighmasters by increasing said annual fee to \$10.00.

By Messrs. McDonald (A) and Mims:

S. 348. Relating to cotton gins and the regulations thereof. To amend Section 2-19-61 of Title 2 of the Code of Alabama 1975 relating to the annual permit fee required for the operation of a cotton gin and prescribing the amount of such permit fee.

By Messrs. McDonald (A) and Mims:

S. 349. Relating to the membership of the State Board of Agriculture and Industries; to amend §§2-3-1 and 2-3-3 of Title 2 of the Code of Alabama 1975 to provide that the Dean and Director of the School of Agriculture and

the Agricultural Experiment Station of Auburn University shall be a member of the State Board of Agriculture and Industries; that any ex officio member thereof may designate or appoint a member of his staff to attend meetings in his place and stead when such ex officio member cannot attend; and, to increase the per diem payable to appointive members to \$50.00 per day for attending meetings of said Board.

By Mr. Mims:

S. 370. Relating to Alabama's forestry program; creating the Forestry Study Committee; establishing the membership and prescribing their powers, duties and authority; setting certain guidelines for the operation of the committee; and making an appropriation from the general fund of the state treasury for the fiscal year ending September 30, 1978.

By Mr. Mims:

S. 324. To amend Act No. 607, S. 33 of the 1977 Regular Session of the Alabama Legislature (Acts 1977, p. 853), known as the "Alabama Criminal Code" so as to include the theft of cattle, swine, horses, mules, asses or sheep regardless of their value under Section 3203, relating to theft of property in the second degree.

By Messrs. McDonald (A) and Mims:

S. 351. To regulate the use of pesticides; authorize the establishment of categories of pesticide applicators; provide for the certification by category of persons who use or supervise the use of toxic and dangerous pesticides; prescribe the requirements for certification; require persons engaging in custom application of pesticides to be licensed; fixing the licensing requirements, fees, record keeping requirements, and financial responsibility requirements; to empower the Commissioner of Agriculture and Industries to administer and enforce the requirements of this Act, prescribing his duties and authority, and to authorize the adoption of rules and regulations for implementation of this Act; to provide for exemptions from the requirements of this Act; to provide enforcement provisions and penalties for violation of this Act; to provide judicial review for persons aggrieved by actions resulting from the enforcement of this Act and to repeal conflicting laws including Sections 2-27-50 through 2-27-63 of the Code of Alabama 1975.

By Mr. Mims:

S. 368. To prescribe a procedure for complaints, investigations, findings and recommendations for payment of damages where purchasers of agricultural, vegetable, flower, tree, shrub and herb seeds suffer damages as a result of such seed not being in compliance with legal requirements which govern the sale thereof or where the seed fail to perform as represented; to create and establish an investigation and arbitration committee for this purpose and to prescribe its powers, duties and authority.

By Mr. Mims:

S. 369. To amend §8-16-5 of the Code of Alabama 1975, relating to the custody of and certification of State standards by the National Bureau of Standards under which weighing and measuring devices are tested and calibrated for accuracy and records to be kept thereof; to provide a procedure under which standards for weighing and measuring devices shall be tested and calibrated for accuracy as prescribed by the National Bureau of Standards.

By Mr. Little:

S. 389. To regulate the practice of soil classification; to provide for the registration of qualified persons as professional soil classifiers; to create a state board of registration of soil classifiers; to provide for the appointment and compensation of its members; to fix the terms of the members of the board and to define the powers and duties of the board; to provide the minimum qualifications and other requirements for registration; to establish fees with expiration and renewal requirements; to provide that certain persons shall be exempt from the provisions of this act; and to provide for the enforcement of this act and prescribe criminal penalties for its violations.

By Messrs. Mims and Miller:

S. 410. To amend Section 2-2-14 of Title 2 of the Code of Alabama 1975, relating to certain employees of the Department of Agriculture and Industries now designated as "Cattle Theft Investigators" with authority of peace officers; to rename such employees as "Livestock Theft Investigators" and to authorize such employees to conduct investigations and to make arrests for any unlawful offense which may be exercised anywhere within the State of Alabama.

Mr. Jones, Chairman of the Standing Committee on State Government, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Jones:

S. 82. To create a public employees insurance program which provides health and accident insurance coverage for certain public employees in this state; create a board to administer and effectuate the programs herein provided; prescribe the powers and duties of such board, and provide for funding from the state general fund, Alabama Special Educational Trust Fund to finance the program, and any other funds from which state employees' salaries are paid.

By Mr. Jones:

S. 134. To require any state agency, board, commission or department to give reasonable public notice and to hold public hearings in any community which will be affected by any policy, directive, rule or regulation it proposes which concerns people or property; to provide the manner of notice and publication of such rules and regulations; to prescribe the rights of any party damaged as a direct result of the director, department head, or like supervisor issuing such directive, rule or regulation; and to prescribe penalties for violating the provisions of this act.

By Mr. Jones:

S. 458. To amend Sections 36-21-68 and 36-21-70 of the Code of Alabama 1975, so as to cut off monthly contributions for members of the Peace Officers' Annuity and Benefit Fund with 30 years or more service, and to effect a general increase in the schedule of benefits.

By Mr. Jones:

S. 320. To amend Section 36-25-4, Code of Alabama 1975, so as to further regulate the Ethics Commission investigating citizen complaints and to prescribe criminal penalties for violation of the regulations.

By Mr. Jones:

S. 460. To authorize the carrying of a pistol by any honorably retired law enforcement officer whose retirement was not based on any pending disciplinary or legal action.

By Mr. Jones:

S. 461. To provide for a guaranteed minimum starting wage or salary for all state, county, or municipal law enforcement officers of this state and provide for the enforcement of the provisions of this act.

Mr. Jones, Chairman of the Standing Committee on State Government, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Merrill (With Amendment):

H. 54. To provide that the Department of Public Safety shall provide and maintain a minimum of two personnel to protect the person of any former governor who while in office sustained permanent bodily injury from any violent criminal act.

Mr. Jones, Chairman of the Standing Committee on State Government, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. St. John:

S. 318. To amend Section 31-2-13, Code of Alabama 1975, so as to limit the military leave of absence benefits of certain individuals.

By Mr. Goodwin:

S. 234. To amend Section 41-9-452 of the Code of Alabama 1975 so as to further define the authority of the Sports Hall of Fame.

By Mr. Higginbotham:

S. 144. To name the National Guard Armory now under construction in Opelika, Lee County, Alabama, "Fort Alfred C. Harrison."

Mr. Jones, Chairman of the Standing Committee on State Government, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. McMillan (With Amendment):

S. 60. To prescribe regulations relative to the preparation and publication of reports to be issued for public circulation by all state agencies, commissions and departments; and to provide certain exceptions.

Mr. Jones, Chairman of the Standing Committee on State Government, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. McMillan (With Substitute):

S. 29. To amend Section 41-4-143 of the Code of Alabama, 1975, so as to further prescribe the regulations governing the publication of the Acts of the Legislature; to provide that resolutions of a commendatory or commemorative nature shall not be printed in the bound volumes of the Acts.

Mr. Jones, Chairman of the Standing Committee on State Government, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Ellis:

S. 114. To require that any appointment made by the governor of any person to hold any cabinet office shall be subject to Senate confirmation and to provide the manner therefor.

By Mr. Peden:

S. 51. Relating to executive appointments; to provide that required confirmations must be made within five legislative days of their submission to the Senate or the appointment shall be void; and to repeal conflicting laws.

By Mr. Little:

S. 288. To name the Health, Education and Arts Building on the campus of Alexander City State Junior College after W. Byron Causey and to repeal all conflicting statutes.

By Mr. Waldrop:

S. 83. To amend the Alabama Civil Defense Act of 1955 now appearing in Sections 31-9-2 through 31-9-24, Code of Alabama 1975, so as to authorize state grants for local civil defense and emergency preparedness programs.

By Mr. Little:

S. 282. To name the science-fine arts building at Southern Union State Junior College in honor of A. R. Van Cleave.

By Mr. Little:

S. 71. To name the auditorium scheduled for construction at Southern Union State Junior College in Wadley, Randolph County, Alabama, "The Tom Brazeal Auditorium."

By Mr. Edwards:

S. 171. To amend §32-6-1 of the Code of Alabama 1975, by requiring the director of public safety to mail a notice of expiration and application for renewal to each driver's licensee.

By Mr. Owen:

S. 13. To change the name of the Alabama Public Library Service to the Alabama State Library, and to provide that the director shall be known as the state librarian; for this purpose amending Section 41-8-1 through Section 41-8-7 of the Code of Alabama 1975.

By Mr. Powell:

S. 12. To authorize the governor of the state to execute and deliver a deed conveying to the Alabama Corrections Institution Finance Authority,

created pursuant to Act No. 678, S. 216, 1965 Regular Session, as amended and codified in Code of Alabama 1975, Title 14, Chapter 2, all lands of the State Board of Corrections in Sections 17 and 20, Township 18 North, Range 19 East, Elmore County, Alabama, known as "Whitman Field"; to provide that said property shall be sold within one year of the effective date of this Act; to provide for an installment sale and purchase money mortgage; to provide that the proceeds from such public offering and sale be placed in a special account in the state treasury and be disbursed as capital outlay on order of the Alabama Corrections Institution Finance Authority in the constructing, reconstructing or equipping of one or more facility for the Board of Corrections.

By Mr. Powell:

S. 180. Relating to the State Personnel Board to increase the number of members on said board from three to five; providing for the selection appointment, term of office and compensation of the additional members and repealing all conflicting statutes.

By Mr. Edwards:

S. 170. To require the public safety department to investigate any motor vehicular accident occurring on any public road within the police jurisdiction of any municipality or town, having a population of less than 2,000, where the municipality or town has no full-time police force; and to prescribe that the director of the department of public safety shall issue and promulgate any reasonable rules and regulations necessary to implement the provisions of this act.

By Mr. Roberts:

S. 9. To revise Sections 393 and 394, Title 14, Code of Alabama 1940, as amended, so as to provide for forbidding of executive or secret sessions of certain boards; and to provide more stringent penalties for violation.

By Mr. McDonald (A):

S. 142. To amend Section 41-16-50 of the Code of Alabama 1975 so as to provide further for the awarding of certain competitive bid contracts to resident bidders.

Mr. Roberts, Chairman of the Standing Committee on Local Government, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Noonan:

S. 223. To require a notification procedure for the issuance by counties, cities, towns, municipalities and public corporations of industrial revenue bonds under Act No. 178 enacted at the 1961 Extra Session of the Alabama Legislature (1961 Acts, p. 2147, et seq.), as amended (relating to industrial revenue bonds to be issued by counties), Act No. 756, enacted at the 1951 Regular Session of the Alabama Legislature (1951 Acts, p. 1307, et seq.) as amended (relating to industrial revenue bonds to be issued by municipalities), Act No. 648, enacted at the 1949 Regular Session of the Alabama Legislature (1949 Acts, p. 991, et seq.) as amended (relating to

industrial revenue bonds to be issued by industrial development boards), Act No. 516, enacted at the 1955 Regular Session of the Alabama Legislature (1955 Acts, p. 1160, et seq.) as amended (relating to industrial revenue bonds to be issued by medical clinic boards), Act No. 4, enacted at the 1956 Second Special Session of the Alabama Legislature (1956 Acts, p. 240, et seq.), as amended (relating to industrial revenue bonds to be issued by certain municipalities to finance hotel and motel projects), Act No. 337 enacted at the 1971 Third Extra Session of the Alabama Legislature (1971 Acts, p. 4625, et seq.) (relating to industrial revenue bonds to be issued by certain municipalities to finance hotels and motels projects), to provide, in addition to their present functions and duties, the functions and duties of the Alabama Securities Commission and its Director (established under Act No. 740 enacted at the 1969 Regular Session of the Alabama Legislature, Acts of 1969, p. 1316, et seq. with respect to such industrial revenue bonds, to establish and provide for the membership, functions and duties of the State Industrial Revenue Bond Advisory Council; to authorize the issuance of stop orders by the Alabama Securities Commission and/or the Director delaying or prohibiting the issuance of industrial revenue bonds; to provide for certificates of notification by the Director, the effect of such certificate, and a remedy for failure or refusal of the Director to issue such certificate; to provide for the assessment of filing fees by the Securities Commission; to provide criminal penalties for willful violations of this act or stop orders issued thereunder; and to provide relief from stop orders of the Director by readoption by the governing body of the issuer of the authorizing proceedings, or from stop orders issued by the Alabama Securities Commission by judicial validation under Section 6-6-750, et seq., of the Code of Alabama, 1975, as amended (relating to the judicial validation of securities issued by counties, cities and towns) and Act No. 859 of the 1953 Regular Session of the Alabama Legislature (Acts of 1953, p. 1148, et seq. (relating to the judicial validation of securities issued by boards and public corporations) and as supplemented in this act for proceedings hereunder, and relief from stop orders of the Council by such judicial validation.

By Mr. King:

S. 276. To authorize the County Commission or like governing body of each of the several Counties having less than 600,000 population according to the latest Federal census to regulate the minimum size of lots, the planning and construction of all public streets, public roads and drainage structures and require proper placement of public utilities to be located in proposed subdivisions of land or in proposed additions to subdivisions of land existing at the time of the enactment of this Act where such subdivisions are situated outside the corporate limits of any municipality in such county, provided that such placement of public utilities shall not be inconsistent with the Southern Standard Building Code, State and Federal laws and regulations of State and Federal regulatory agencies. To further provide for exercise of jurisdiction by counties over proposed subdivisions within the jurisdiction of municipal planning commissions and to provide for agreement of jurisdiction by counties with affected municipalities.

By Mr. Bank:

S. 362. To require the County Commission or like governing body of each of the several counties to make an annual publication on or before the 30th day of October of each year in a newspaper published in the county of an itemized report showing receipts, expenditures and financial condition of the county on a form to be prescribed by the Chief Examiner of Public Accounts of

the State of Alabama and to repeal Sections 11-3-21, 11-3-22 and 11-3-23 Code of Alabama 1975, and to repeal all other conflicting laws local or general.

Mr. Baker, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with substitute, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Jones, Mitchell and Powell (With Substitute):

S. 331. To allow the District Attorney for the Fifteenth Judicial Circuit to initiate and conduct a pre-trial diversionary program within said circuit for first offenders who are charged or may be charged with certain non-violent property related offenses, and to permit the District Attorney to bring legal proceedings against criminal defendants on behalf of victims of crime.

Mr. Baker, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Higginbotham and Little (with notice and proof):

S. 337. To amend Section 4 of Act No. 182, H. 439, Regular Session 1977, which act provides for the reidentification of registered voters of Chambers County so as to further provide for the compensation of the members of the board of registrars for attendance upon special sessions of the board.

By Mr. St. John (with notice and proof):

S. 346. Relating to Cullman County; providing for and regulating county purchasing and the custody and use of certain county property; divesting the highway department of certain county functions and duties in relation to roads and bridges in such county, heretofore transferred to it, and revesting such functions in the Cullman County governing body; providing for the construction, maintenance and repair of county roads on the unit basis; providing for the transfer of certain funds, equipment, material and personnel from the state highway department to the county governing body; providing for the payment of salaries of certain county employees; providing that this act shall become effective only upon approval at a referendum election.

By Mr. McDonald (A) (with notice and proof):

S. 379. Relating to Limestone County; to authorize the county commission to provide for clerical and secretarial assistance to the legislative delegation from such county.

By Mr. McDonald (A) (with notice and proof):

S. 381. Relating to Limestone County; further regulating the compensation for the board of registrars and the manner of payment therefor from the county general fund.

By Mr. McDonald (A) (with notice and proof):

S. 382. Relating to Limestone County, further providing for the days

of meeting and the operation of the county board of registrars and the compensation therefor.

By Mr. Waldrop (with notice and proof):

S. 462. Relating to the City of Rainbow City, Etowah County, Alabama, providing for the election by popular vote of the members of the city board of education; prescribing the terms, qualifications and compensation, abolishing the existing city board of education and repealing all conflicting statutes.

By Mr. Waldrop (with notice and proof):

S. 463. To alter and rearrange the boundaries of the City of Rainbow City in Etowah County, so as to exclude certain territory from the corporate limits of the city.

By Mr. Mitchell (with notice and proof):

S. 465. relating to Crenshaw County, providing certain compensation to members of the county hospital board in lieu of expense reimbursements now payable to such persons, and repealing conflicting laws.

By Mr. Mitchell (with notice and proof):

S. 471. Relating to Crenshaw County; providing an additional expense allowance for the county coroner.

By Mr. McDonald (A) (with notice and proof):

S. 472. Relating to Limestone County; providing for the compensation and expense allowance of certain county officers.

By Mr. McDonald (A) (with notice and proof):

S. 473. Relating to Limestone County; to provide for the compensation for the county superintendent of education and the county board of education.

By Messrs. Manley and Pegues (with notice and proof):

H. 227. Relating to Marengo County; providing further for the Sheriff's Department in said county; providing further for the composition and compensation of deputies and other personnel.

By Messrs. Manley and Pegues (with notice and proof):

H. 228. Relating to Marengo County; amending Section 4 of Act No. 547, H. 1272 of the 1977 Regular Session (Acts 1977, vol. 1, p. 731), which section relates to the wages of inmates on the county work release program, so as to bring the deduction for costs incident to the inmate's confinement in line with Act No. 637, H. 53 of the 1976 Regular Session (Acts 1976, Vol. II, p. 883).

Mr. Fine, Chairman of the Standing Committee on Banking, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Jones:

S. 181. To amend Section 5-2-10, 5-2-120, 5-2-123, 5-2-125, 5-17-1, 5-17-8, 5-17-17, 5-17-19, 5-17-20, 5-17-2 as amended by Section 3 of Act No.

210, Regular Session 1977, and Section 5-17-11 as amended by Section 1 of Act No. 210, Regular Session 1977, Code of Alabama 1975, all of which provide for credit unions in Alabama, so as to provide for enactment of regulations by the State Banking Department, appointment of members of the Credit Union Board of the Bureau of Credit Unions by the governor, procedures for adoption of rules and regulations by the Superintendent of Banks, hearing on charter revocations, election of officers, reserves and insurance requirements, and elimination of unnecessary language.

BILLS RE-REFERRED

Mr. Mims moved that the Bills, S. B.'s 221, 347, 348, 349, and 370, be removed from the Calendar and re-referred to another Committee, under the provisions of Rule 76(b).

And the President and Presiding Officer of the Senate ordered said Bills, S. B.'s 221, 347, 348, 349, and 370, re-referred to the Standing Committee on Finance and Taxation.

Mr. Owen moved that the Bill, S. B. 82, be removed from the Calendar and re-referred to another Committee.

And the President and Presiding Officer of the Senate ordered said Bill, S. B. 82, re-referred to the Standing Committee on Finance and Taxation.

Mr. McDonald (S) moved that the Bill, S. B. 316, be removed from the Standing Committee on Education and re-referred to another Committee.

And the President and Presiding Officer of the Senate ordered said Bill, S. B. 316, re-referred to the Standing Committee on Health and Welfare.

MOTIONS IN WRITING

Mr. Mitchell offered the following Motions in Writing, to-wit:

MOTION TO AMEND THE RULES

Pursuant to the notice in writing previously given, I move that Rule No. 7 of the Rules of the Senate be amended to read as follows:

Rule 7. After reading the Journal, except as provided elsewhere in these rules, the regular order of transacting business shall be as follows:

1. Signing of bills
2. Call of districts
3. House messages
4. Reports from Standing Committees
5. Reports from Select Committees
6. Motions and Resolutions
7. Call of local uncontested bills
8. Bills on third reading on regular calendar
9. Special orders of the day at twelve o'clock noon
10. Other business

MOTION TO AMEND THE RULES

Pursuant to the notice in writing previously given, I move that Rule No. 1(a) be added to the Rules of the Senate to read as follows:

Rule 1(a). The suggestion of no quorum by a member is a question of order and is therefore in order at any time. A member desiring to call attention to the fact that no quorum is present shall arise and address the presiding officer and without waiting to be recognized say, "I suggest the absence of a quorum." The presiding officer may then count the members present and declare a quorum present or he may order a call of the roll of the members to determine the question of a quorum. When the fact that a quorum is not present has been disclosed upon a question of no quorum, by roll call, business will be suspended, but no motion to adjourn shall be in order until a period of 30 minutes has passed. During such time period, it shall be the duty of the secretary to notify absent members and compel their attendance.

MOTION TO AMEND THE RULES

Pursuant to the notice in writing previously given, I move that Rule No. 7(a) be added to the Rules of the Senate to read as follows:

Rule 7(a). After a bill has been favorably reported from committee, any member may place that bill on a special order calendar, to be known as the "Consent Calendar", which calendar shall be kept by the secretary and shall be printed at the end of the regular calendar. If two (2) or more members object to a bill being on the consent calendar, then such objection shall be noted in the journal and the bill shall be removed from the consent calendar and placed on the regular calendar, provided however such objection must be made while the Senate is in session and within five (5) legislative days of the bill first appearing on the consent calendar. The consent calendar shall be called after uncontested local bills on the seventh legislative day and every fifth legislative day thereafter until the conclusion of the session, and no bill shall be called from the consent calendar that has not appeared thereon for five (5) legislative days. No member shall speak for more than ten (10) minutes in debate on a bill on the consent calendar, provided however a motion to transfer the bill to the regular calendar shall be in order at any time the bill is under debate and such motion shall be decided by a majority vote of the Senate.

MOTION TO AMEND THE RULES

Pursuant to the notice in writing previously given, I move that Rule No. 40 of the Rules of the Senate be amended to read as follows:

Rule 40. No member shall speak more than twice in any one debate on the principal question or main motion, without leave of the Senate, and none shall consume more than one hour at each time, and no member shall speak more than once on any amendment or other motion and none shall consume more than 30 minutes at each time. The originator of the pending question, or the chairman of the committee reporting the measure, shall have the right to conclude the debate, which right cannot be cut off by motion to table. The originator of the pending question shall have precedence.

MOTION TO AMEND THE RULES

Pursuant to the notice in writing previously given, I move that Rule No. 40(a) be added to the Rules of the Senate to read as follows:

Rule 40(a). When a question is under debate, no more than five (5) of the following motions (or any combination thereof) shall be allowed by the presiding officer to be directed at that question, viz, to postpone indefinitely, to postpone to a certain day, to commit, or to carry over temporarily or to a time certain.

Which were read and referred to the Standing Committee on Rules.

RESOLUTIONS

Mr. Bank offered the following Senate Joint Resolution, to-wit:

S. J. R. 351. COMMENDING THE ALABAMA CRIMSON TIDE BASKETBALL TEAM FOR BEATING THE NUMBER ONE AND PREVIOUSLY UNDEFEATED KENTUCKY WILDCATS.

WHEREAS, on Monday night, January 23, 1978, the University of Alabama Crimson Tide basketball team overwhelmed highly regarded, undefeated and top-ranked University of Kentucky Wildcats; and

WHEREAS, the Wildcats had been described in some quarters as the greatest collegiate basketball team of the century; and

WHEREAS, despite the Cats' lofty ranking and many plaudits, the smaller but quicker Tide whipped their opponents in every phase of the game and won by a decisive score of 78 to 62; and

WHEREAS, Reginald "Mule" King played like a Bluegrass Thoroughbred, scoring 26 points, battling and skyng for 13 rebounds and playing inspired defense against taller and heavier opponents; and

WHEREAS, the always outstanding guard play of Robert "Rah Rah" Scott, Kent Looney, and Greg McElveen was more scintillating than usual, excelling in defense, shooting, ball handling, and running the four corners offense; and

WHEREAS, the greatest defensive guard in the nation, Anthony "Amp" Murray led his teammates in a lightning quick blitzkrieg that bewildered the Wildcat ballhandlers; and

WHEREAS, the outside shooting of Ken "Silk" Johnson and the inside muscle of Robert "Chap" Chapman, Chris Bragwell and Richie Hood aided Bama in outplaying and out hustling the more publicized Kentucky big men; and

WHEREAS, every squad member wearing the crimson and white contributed to this great victory by their dedication and long hours of practice which honed the skills of the club in preparation for the game; and

WHEREAS, the 15,043 screaming fans played their greatest game ever as the Tide's sixth man in this fine victory; and

WHEREAS, Coaches C. M. Newton, Winfrey Sanderson, John Bostick, and Wendell Hudson were masterful in their scouting, preparation and brilliant strategy, which included a daring three guard offense; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body extends its heartiest congratulations to Coach C. M. Newton, Coach Wimp Sanderson, Coach John

Bostick, Coach Wendell Hudson, Chris Bragwell, Robert Chapman, William Henry, Richie Hood, Ken Johnson, Reginald King, Kent Looney, Keith McCord, Greg McElveen, Anthony Murray, Leroy Russell, Robert Scott, Reggie Strickland, and Kelly Shy for a job well done.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to each of the Coaches, team members, trainers, managers, and athletic director of the University of Alabama.

Which was read and referred to the Standing Committee on Rules.

Mr. Perry offered the following Senate Joint Resolution, to-wit:

S. J. R. 352. HONORING PEARLE E. GAMMELL, RECENTLY INDUCTED INTO THE ALABAMA NEWSPAPER HALL OF HONOR.

WHEREAS, the Legislature of Alabama has noted with extreme pleasure that, on October 8, 1977, the late Pearle E. Gammell, former editor and publisher of The Clayton Record, was inducted into the Alabama Newspaper Hall of Honor, thereby joining a truly select group of members of the press so honored since 1959; and

WHEREAS, Mrs. Gammell is the first woman editor of a weekly newspaper to be installed and she and her husband are the first couple from the same weekly newspaper to be installed; and

WHEREAS, Pearle E. Gammell was a strong believer in the power of the press and always believed in being first in anything she did. She never wanted copy for the newspaper second hand. If she didn't get the news first, she didn't want it; she was a woman of truth, positive action and was ever sensitive to the needs of those around her; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend, applaud and concur with the selection of Pearle E. Gammell as a member of the Alabama Newspaper Hall of Honor; we share her family's pride in this great honor and direct that copies of this resolution be sent to Mrs. Gammell's daughter, Mrs. Bertie G. Parish, her grandsons, Ed Parish and Dr. Tom Parish, Jr., and her granddaughter, Mrs. Rebecca Kelly.

Which was read and referred to the Standing Committee on Rules.

UNFINISHED BUSINESS

BILLS ON THIRD READING

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 179. To amend Section 40-18-20 of the Code of Alabama 1975, relating to a state income tax exemption for military retirement benefits so as to provide further for such exemption.

The question was on the amendment offered by Mr. Waldrop, which said amendment is set out in the Journal of the Senate for the Fifth Legislative Day.

On motion of Mr. King, said amendment was laid on the table.

On motion of Mr. King, further consideration of the Bill, S. B. 179, was postponed temporarily.

The Bill:

S. 202. To amend Section 2, Subsection 19(g)(4) of Act No. 636, H. 481 of the 1977 Regular Session, which act makes appropriations from the general fund of the state treasury for the ordinary expenses of the executive, legislative and judicial functions of government for the fiscal year ending September 30, 1978, so as to allow the Department of Conservation to expend from its allotted appropriation in the Marine Resources Fund monies for certain capital outlay purposes.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Bank, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, McDonald (S), McMillan, Miller, Mims, Mitchell, Owen, Pearson, Peden, Perry, Proctor, Roberts, St. John, Shelby, Teague, Waldrop.

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Nays:**The Bill:**

S. 35. To amend Section 12-19-3 of the Code of Alabama, 1975, so as to further regulate the county purchase of certain supplies and equipment in the unified judicial system.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, S. B. 35, to-wit:

COMMITTEE SUBSTITUTE FOR S. B. 35**A BILL
TO BE ENTITLED
AN ACT**

To revise and amend certain provisions of Act 1205, Acts of Alabama, Regular Session 1975, approved October 10, 1975, as codified in Title 12, Code of Alabama 1975, which said act and the codification thereof implemented the Judicial Article of the Alabama Constitution (Amendment 328 approved December 13, 1973) by providing that the cost and expenses of juries kept together without separation, the cost and expenses of jury commissions, and the expense allowance paid to the regular jurors, grand jurors and petit jurors be paid by the state rather than by the counties of the state; by providing that the number of bailiffs and the compensation thereof be established by the administrative director of courts and by deleting the provisions that bailiffs be paid by the county; by providing for local purchasing procedures for the offices of circuit judges, district judges, circuit clerks, district clerks, registers, court administrators, official court reporters, magistrates, and jury commissions, in order to facilitate the prompt purchase and delivery of clerical office supplies for such court offices; and to make a supplemental appropriation to the Unified Judicial System for the operation

thereof for the fiscal year October 1, 1977, through September 30, 1978. The Code sections amended herein are §12-16-10, §12-16-34, §12-16-37, §12-17-311, and §12-19-210, Code of Alabama 1975. Article 1, Chapter 19, Title 12, Code of Alabama 1975, is amended by adding §12-19-10 thereto.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 12-16-10, Code of Alabama, is hereby amended to read as follows:

"Section 12-16-10. Whenever a jury is, by order of the court, kept together without separation during any night or for any unusual length of time, it is the duty of the sheriff, with the approval of the court, at the expense of the county state, to provide for the jurors and the bailiffs or deputy sheriffs in charge of or attending said jury suitable lodging and meals. If a jury composed of both men and women is kept together overnight, separate lodging shall be provided for jurors of each sex.

"A separation solely by reason of sex, while in the custody of bailiffs or deputy sheriffs, shall not create a presumption of prejudice to an accused, but on the contrary it shall be prima facie presumed that the accused was not prejudiced by reason of the separation of the jury by sexes."

Section 2. Section 12-16-34(a), Code of Alabama 1975, is hereby amended to read as follows:

"Section 12-16-34. (a) Each member of the jury commission shall be paid the sum of \$10.00 per day for the time actually engaged in the discharge of his duties as such member, such sum to be paid out of the county treasury upon warrant of the probate judge of the county. Such warrants shall be issued by such probate judge upon evidence satisfactory to him that such service has been rendered by the state upon the certification of the circuit clerk that such services have been rendered."

Section 3. Section 12-16-37, Code of Alabama 1975, is hereby amended to read as follows:

"Section 12-16-37. (a) In counties having 60,000 population or less according to the last federal census preceding the employment, the clerk of the circuit court may be employed as the clerk of the jury commission; and, in such counties, the clerk of the jury commission, whether he is the clerk of the court or not, shall be paid for his services rendered under the direction of the jury commission the sum of \$10.00 per day while actually engaged in performing his duties, such sum to be paid out of the county treasury by the state, upon the order of the president of the jury commission provided, that such clerk of the jury commission shall not receive more than \$600.00 as compensation for his service in any one year.

"(b) In counties having more than 60,000 and less than 200,000 population according to the last or any subsequent federal census, the commission shall employ a clerk who shall hold no other office during the term of his employment and who shall be paid for his services rendered under the direction of the jury commission the sum of \$10.00 per day while actually engaged in performing his duties, such sum to be paid out of the county treasury upon the order of the president of the jury commission by the state.

"(c) In counties having more than 200,000 population according to the last or any subsequent federal census, the jury commission in any such county shall have authority to employ such clerical assistance as such

commission deems necessary and proper and may expend for such clerical assistance in compensation and in paying their reasonable and necessary expense in performing the duties of their employment a sum not to exceed \$450.00 per month to be paid by the state out of the county treasury upon the order of the president of the jury commission."

Section 4. Section 12-17-311, Code of Alabama 1975, is hereby amended to read as follows:

"Section 12-17-311. Each bailiff shall be compensated by the county in which he serves at the rate of compensation fixed by law as of the effective date of this Code and shall be continued at such rate of compensation until September 30, 1978. Thereafter, tThe number of bailiffs and the rate of compensation for each bailiff shall be established and fixed by the administrative director of courts upon recommendation of the presiding circuit judge."

Section 5. Article 1, Chapter 9, Title 12; Code of Alabama 1975, is hereby amended by adding thereto Section 12-19-10 as follows:

"Section 12-19-10. Local purchasing procedures. In order to facilitate the prompt purchase and delivery of clerical office supplies, court forms, stationery, and other printed court supplies (hereinafter referred to as "clerical office supplies") used by and in the offices of circuit judges, district judges, circuit clerks, district clerks, registers, court administrators, official court reporters, magistrates, and jury commissions, the presiding circuit judge of each judicial circuit is hereby authorized to administer local purchasing procedures within such judicial circuit and each county thereof as herein provided.

"(1) Not more than 90 days prior to the beginning of each fiscal year, each circuit judge, district judge, circuit clerk, district clerk, register, court administrator, official court reporter, magistrate, and each jury commission, shall submit to the administrative director of courts a written estimate of the costs of clerical office supplies anticipated to be needed and used for the efficient operation of such court office of such court official during the next fiscal year. The administrative director of courts shall thereupon review each such estimate and shall determine and allocate to each such court office, on a quarterly basis, the amount of funds approved and set aside within the funds appropriated to the Unified Judicial System for the purpose of requisitioning and purchasing such clerical office supplies for each such court office. No such court office shall requisition and purchase such clerical office supplies in excess of the quarterly allotment therefor.

"(2) The circuit clerk of each county shall be the local court purchasing agent (hereinafter referred to as the "court agent") to purchase clerical office supplies for the various court offices within such county, provided that the presiding circuit judge may designate by instrument in writing such additional court official or officials within the county as local court purchasing agent or agents for any court office or offices other than the office of the circuit clerk. Such clerical office supplies may be requisitioned and purchased on requisition and purchase order forms provided by the administrative director of courts as follows: The court agent shall submit requisitions and purchase orders to the administrative director of courts for his prompt approval therefor in writing; and upon such approval, the court agent shall then purchase such clerical office supplies by delivering such requisition and purchase order to the appropriate vendor for delivery of such clerical office supplies to the court agent together with an itemized invoice

therefor. No further approval shall be necessary to authorize the purchase of such clerical office supplies nor obligate funds and the payment thereof notwithstanding any provision contained in Chapter 4 of Title 41, Code of Alabama 1975. Upon the receipt of such clerical office supplies and the itemized invoice, the court agent shall promptly execute a material receiving report, approve in writing such invoice for payment, and together with a copy of the requisition and purchase order, forward all such documents to the administrative director of courts, who shall deliver such documents to the state comptroller for the prompt payment thereof out of funds appropriated to the Unified Judicial System. Each purchase of clerical office supplies by the court agent shall be in conformity with the state competitive bid laws."

Section 6. Section 12-19-210, Code of Alabama 1975, as last amended, is hereby further amended to read as follows:

"Section 12-19-210. Regular jurors, grand and petit, shall be entitled to \$10.00 expense allowance for each day's services, \$.05 for each mile traveled in going to and returning from court and ferriage and toll, to be proved by the oath of the juror before the clerk of the court. The clerk shall give each juror a certificate, stating therein the number of days he has served, the number of miles he has traveled, the amount of ferriage and toll he has paid and the amount of compensation expense allowance to which he is entitled. The certificate shall be payable out of the state treasury."

Section 7. There is hereby appropriated, in addition to any other funds heretofore appropriated, from the State General Fund the sum of \$2,800,000.00 for transfer to the Unified Judicial System for the fiscal year October 1, 1977 through September 30, 1978.

Section 8. All laws or parts of laws which conflict with this are hereby repealed.

Section 9. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Which was adopted.

Yeas 26; Nays 0.

Yeas:

Messrs. Bank, Edwards, Ellis, Fine, Gilmore, Higginbotham, Jones, King, Little, McMillan, Miller, Mims, Mitchell, Owen, Pearson, Peden, Perry, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Waldrop, Wilson.

—26

Nays:

—0

And said Bill, S. B. 35, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Bank, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McMillan, Miller, Mims, Mitchell, Owen, Pearson, Peden, Perry, Powell, Proctor, Roberts, St. John, Teague, Vacca, Waldrop.

—25

Nays:

—0

The Bill:

S. 279. To provide that the Commissioner of the Revenue Department may enter into reciprocal agreements on behalf of the State of Alabama with the duly authorized representatives of any of the States of the United States, the District of Columbia, or a State or Province of a foreign country, or a territory or possession of either the United States or of a foreign country, to provide for the registration of vehicles on an apportionment or allocation basis; to become a member of the International Registration Plan developed by the American Association of Motor Vehicle Administrators; to authorize the Commissioner of the Revenue Department to promulgate and enforce such rules and regulations necessary to carry out such agreements; to declare the provisions of this Act severable; and to set the date upon which this Act will become effective.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 0.

Yeas:

Messrs. Baker, Bank, Edwards, Ellis, Fine, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Owen, Peden, Perry, Powell, Roberts, St. John, Shelby, Teague, Vacca, Wilson. —26

Nays:

—0

The Bill:

S. 201. To exempt Exceptional Children, Inc., Washington County Day Care Center, Sunflower School, from payment of all sales and use taxes.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 27; Nays 0.

Yeas:

Messrs. Baker, Bank, Edwards, Ellis, Fine, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Owen, Pearson, Peden, Perry, Roberts, St. John, Shelby, Teague, Vacca, Waldrop, Wilson. —27

Nays:

—0

The Bill:

S. 196. To require that the implementation and collection of ad valorem taxes, pursuant to the Statewide Property Reappraisal program, or any statute or federal court order related thereto, shall be effective on a uniform date throughout the state; to authorize certain responsibilities and powers to the commissioner of revenue for establishing such uniform date; and to repeal conflicting laws.

was taken up.

On motion of Mr. St. John, consideration of said Bill, S. B. 196, was postponed until the next Legislative Day.

The Bill:

S. 169. To amend Sections 32-9-1, 32-9-20, 32-9-24, 32-9-27, 32-9-29, 32-9-30, and 32-9-32 Code of Alabama 1975, as amended, which relate to height, weight, and width requirements for vehicles and loads traveling upon public roads and for the issuance of permits for the movement of oversized vehicles and loads upon the state's public roads, so as to transfer certain responsibilities concerning the regulation of such vehicles and oversized loads from the state highway department to the department of public safety; to provide further for the width requirements for vehicles and loads traveling the state's public roads; to further define loads which are not readily separable; to provide that any office of the department of public safety is authorized to issue certain oversized permits; to prohibit the travel of certain oversized vehicles on interstate highways; to deny the issuance of permits in violation of federal law; to exempt certain farm and agricultural commodities and equipment from the provisions of the title; and to authorize the department of public safety to establish and administer official weighing and measuring stations pursuant to the enforcement of the provisions of the title.

was taken up.

Mr. Fine offered the following substitute for the Bill, S. B. 169, to-wit:

SUBSTITUTE FOR S. B. 169

A BILL TO BE ENTITLED AN ACT

To amend further Section 32-9-29 of the 1975 Code of Alabama; so as to provide an exemption for certain loads to be transported.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 32-9-29 of the 1975 Code of Alabama is further amended to read as follows:

"Section 32-9-29. Permits for movement of oversized vehicles or loads.

"(a) Authorized; application; issuance; seasonal, etc., limitations; refusal, revocation or cancellation.

"(1) The director of the highway department or the official of the highway department designated by the director may, in his discretion shall upon application and for good cause being shown therefor, issue a permit in writing authorizing the applicant to operate or move upon the state's public roads a vehicle or combination of vehicles and loads whose weight, width, length or height, or combination thereof, exceeds the maximum limit specified by law; provided, that the load transported by such vehicle or vehicles is of such nature that it is a unit which cannot be readily dismantled or separated; however, bulldozers, and similar construction equipment shall not be deemed readily separable for purposes of this chapter; and further provided, that no permit shall be issued to any vehicle whose operation upon the public roads of this state threatens to unduly damage a road or any appurtenances thereto.

"(2) Permits may be issued on application to the department to persons, firms or corporations. The director of the highway department shall promulgate reasonable rules and regulations which are necessary or desirable governing the issuance of such permits; provided, that such rules and regulations shall not conflict with the provisions of this title and other provisions of law.

"(3) The original copy of every such permit shall be carried in the vehicle itself and shall be open to inspection by any police officer or state trooper or authorized agent of the highway department.

"(4) The application for any such permit shall specifically describe the type of permit applied for, as said types of permits are described in subsection (b) of this section, and the application for a single trip permit shall, in addition, describe the points of departure and destination.

"(5) The director of the highway department or the official of the highway department designated by the director is authorized to withhold such permit or, if such permit is issued, to establish seasonal or other time limitations within which the vehicles described may be operated on the public road indicated, or otherwise to limit or prescribe conditions of operation of such vehicle, when necessary to assure against undue damage to the road foundation, surfaces or bridge structures, and require such undertaking or other security as may be deemed necessary to compensate the state for any injury to any roadway or bridge structure.

"(6) For just cause, including, but not limited to, repeated and consistent past violations, the director of the highway department or an official of the highway department designated by the director may refuse to issue, or may cancel, suspend or revoke, the permit of an applicant or permittee.

"(b) Duration and limits of permits; bond or insurance requirements.

"(1) ANNUAL. The director of the highway department or the official of the highway department designated by the director may, pursuant to the provisions of this section, issue an annual permit which shall permit the vehicle or combination vehicle and load to be operated on the state highway system of this state for 12 months from the date the permit is issued, even though the vehicle or its load exceeds the maximum limits specified in this article; provided, that an annual permit shall not authorize the operation of a vehicle including all enforcement tolerances:

"a. Whose total gross weight exceed 150,000 pounds; provided, that gross weights over 100,000 pounds shall require advance routing by the highway department;

"b. Whose single axle weight exceeds 22,000 pounds;

"c. Whose total length exceeds 75 feet; with the exception of mobile homes, whose length limitations, including towing vehicle, shall be 85 feet;

"d. Whose total width exceeds 120 inches or whose load width exceeds 144 inches; with the exception of mobile homes, whose width limitation shall be 168 inches; provided, that mobile homes whose width exceeds 144 inches shall require advance route approval by the highway department; or

"e. Whose height exceeds 14 feet.

"A permit to operate a vehicle which exceeds the statutory limits of height, weight, width or length shall be issued only on condition of payment of an indemnity bond or proof of insurance protection for \$300,000.00, said bond or insurance protection conditioned for payment to the highway department to be held in trust for the benefit of the owners of bridges and appurtenances thereof, traffic signals, signs or other highway structures damaged by a vehicle operating under authority of such over-height permit. The liability under the bond or insurance certificate shall be contingent upon proof of negligence or fault on the part of the permittee, his agents or operators.

"(2) SINGLE TRIP. The director of the highway department may issue a single trip permit, pursuant to the provisions of this section, to any vehicle.

"(c) Fees. The director of the highway department may promulgate rules and regulations concerning the issuance of permits and charge a fee for the issuance as follows:

"(1) ANNUAL. Charges for the issuance of annual permits shall be as follows:

"a. For modular homes, sectional houses, portable buildings, boats and any vehicle or combination of vehicles, \$100.00; except, that a vehicle or combination of vehicles having trailer or combination of trailers with sidewalls or roof which has transported modular homes, sectional houses and portable buildings may, after depositing any said load, return unloaded to its point of origin, even though the unloaded vehicles exceed the 55 foot limitation provided for in this article, up to and including 12 feet wide and 75 feet long.

"b. For heavy commodities or equipment, overweight, overlength, overheight and overwidth, \$100.00. A tractor and trailer (low boy type) may, after depositing a load referred to in this subparagraph, return to its point of origin, even though the unloaded tractor and trailer (low boy type) may exceed the 55 foot limitation provided for in this article up to and including 12 feet wide and 75 feet long.

"c. For mobile homes up to and including 14 feet wide and 85 feet long, including towing vehicle, \$100.00.

"(2) SINGLE TRIP. Charges for the issuance of single trip permits shall be as follows:

"a. Mobile homes, modular homes, sectional houses, portable buildings and boats:

"1. Up to and including 12 feet wide and 75 feet long, \$10.00.

"2. Boats in excess of 12 feet wide, \$20.00.

"3. Mobile homes, modular homes, sectional houses and portable buildings in excess of 12 feet wide and/or 75 feet long, \$20.00.

"b. Heavy commodities or equipment:

"1. Over on any limitations as to length, height or width, \$10.00.

"2. Over on weight, as follows:

"WEIGHT PERMITTED	PERMIT FEE
"From 80,001 pounds up to 100,000 pounds	\$ 10.00
"From 100,001 pounds up to 125,000 pounds	30.00
"From 125,001 pounds up to 150,000 pounds	60.00
"From 150,001 pounds and over	100.00

"c. Miscellaneous:

"1. Houses, \$20.00.

"2. Off-the-road equipment, \$10.00.

"3. Other oversized vehicles, loads and equipment not herein specified, \$20.00.

"4. Other overheight loads not herein specified, \$10.00.

"(d) Certain vehicles on interstate highways. Under the provisions of this section, fourteen feet wide vehicles and combination vehicles and load may be issued a permit to travel the interstate highways.

"(e) Violations of federal law, etc. No permit shall be issued under this section if the issuance of the permit would violate United States law or would cause the state of Alabama to lose federal-aid funds. Notwithstanding any provisions of any statute to the contrary, all permit fees collected in accordance with this section shall be paid to the public road and bridge fund in addition to any sums appropriated therefor to the highway department.

"(f) Farm and agricultural commodities and equipment exempt. The term 'heavy commodities or equipment,' as used in this section, is not intended to include farm and agricultural commodities or equipment, and such farm or agricultural commodities and equipment are exempt from the requirement of obtaining permits for movement on the state highway system of Alabama."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 23; Nays 0.

Abstaining 1.

Yeas:

Messrs. Baker, Bank, Edwards, Ellis, Fine, Gilmore, Goodwin, Little, McDonald (A), McMillan, Mims, Mitchell, Pearson, Peden, Perloff, Powell, Proctor, St. John, Shelby, Teague, Vacca, Waldrop, Wilson.

—23

Nays:

—0

Abstaining: Mr. Jones.

—1

And said Bill, S. B. 169, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Abstaining 1.

Yeas:

Messrs. Baker, Edwards, Ellis, Fine, Gilmore, Goodwin, King, Little, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Owen, Pearson, Peden, Perloff, Proctor, St. John, Shelby, Teague, Vacca, Waldrop, Wilson.

—25

Nays:

—0

Abstaining: Mr. Jones.

—1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. McCluskey and Armstrong:

H. 241. To regulate certain marine dealership practices in the State of Alabama.

Also:

By Mr. Crawford:

H. 269. Relating to the eradication and control of swine diseases: to make an appropriation to the department of agriculture and industries for the fiscal year ending September 30, 1979, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of hog cholera, African swine fever and other swine diseases.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 241. To the Committee on Seaports and Inland Waterways.

H. B. 269. To the Committee on Finance and Taxation.

BILLS ON THIRD READING RESUMED

The Bill:

S. 11. To amend Section 3A, Subsection 13(a) of Act No. 637, H. 482 of the 1977 Regular Session, which act makes appropriations from the State treasury in the Alabama Special Education Trust Fund account for educational purposes for the fiscal year ending September 30, 1978, so as to remove certain limitations imposed on the expenditure of monies appropriated for the operation of the Public Library Service facility.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 0.

Yeas:

Messrs. Baker, Bank, Edwards, Ellis, Fine, Gilmore, Goodwin, Jones, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Owen, Pearson, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Waldrop.

—26

Nays:

—0

By unanimous consent, the names of all the members of the Senate were added as co-sponsors of the above Bill.

The Bill:

S. 56. Prohibiting any state agency from using the barter or similar system for acquiring goods or services; providing that each state agency must record each sales transaction and each purchase transaction; providing that each state agency return to the appropriate fund in the state treasury all revenues generated by sales transactions; and prescribing penalties for violations of the provisions of this act.

was taken up.

Mr. Vacca offered the following amendment to the Bill, S. B. 56, to-wit:

AMENDMENT TO SENATE BILL 56

Amend Senate Bill 56 by striking Section 3. in its entirety and adding in lieu thereof the following:

"Section 3. Each state agency, excluding city and county boards of education and institutions of higher learning, shall return to the state treasury for deposit in the appropriate fund all revenues generated by any sales transaction."

Which was adopted.

Yeas 27; Nays 0.

Yeas:

Messrs. Baker, Bank, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Owen, Pearson, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Waldrop.

—27

Nays:

—0

And said Bill, S. B. 56, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

Yeas:

Messrs. Baker, Bank, Edwards, Ellis, Fine, Goodwin, Higginbotham, Jones,

King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Pearson, Perloff, Powell, St. John, Shelby, Teague, Vacca, Waldrop.

—23

Nays:

—0

The Bill:

S. 49. To provide for the granting of up to six years of creditable service under the Teachers' Retirement System of Alabama for employment-service in public education, which service was rendered outside of the State of Alabama under certain conditions and provided that any member of the Teachers' Retirement System claiming such service must pay the total cost involved therein.

was taken up.

On motion of Mr. Vacca, consideration of said Bill, S. B. 49, was postponed until the next Legislative Day.

The Bill:

S. 182. To redivide the state into judicial circuits so as to create a Thirty-ninth Judicial Circuit consisting of Limestone County, to create the offices of circuit judge and district attorney in such circuit and provide for appointment to fill certain vacancies; to provide further for salary supplements and expense allowances for certain officers; for these purposes, to amend Code of Alabama 1975, Section 12-11-2; and to make an appropriation for operation of the new circuit.

was taken up.

Mr. McDonald (A) offered the following amendment to the Bill, S. B. 182, to-wit:

AMENDMENT TO S. B. 182

Amend Senate Bill 182, page 4, section 9, line 28 by striking the word "state" and inserting in lieu thereof the word "unified".

Further amend on line 29 after the word "and" the following "to the District Attorneys the sum of ten thousand dollars for the operation of".

Which was adopted.

Yeas 23; Nays 0.

Yeas:

Messrs. Baker, Ellis, Fine, Goodwin, Higginbotham, Jones, King, Little, McDonald (S), McMillan, Miller, Mims, Mitchell, Owen, Pearson, Peden, Perloff, Powell, St. John, Shelby, Teague, Vacca, Waldrop.

—23

Nays:

—0

And said Bill, S. B. 182, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

Abstaining 1.

Yeas:

Messrs. Baker, Bank, Ellis, Fine, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Owen, Pearson, Peden, Perloff, Perry, Roberts, St. John, Teague, Vacca, Waldrop.

—24

Nays:

—0

Abstaining: Mr. Edwards.

—1

The Bill:

S. 257. To amend 1975 Code of Alabama, Section 28-3-16; so as to prohibit the advertising of alcoholic beverages by billboards in "dry" counties; and to permit such advertising in "wet" counties.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 17; Nays 8.

Abstaining 1.

Yeas:

Messrs. Baker, Bank, Fine, Goodwin, King, McDonald (A), McMillan, Owen, Pearson, Peden, Perloff, Powell, St. John, Shelby, Teague, Vacca, Waldrop.

—17

Nays:

Messrs. Edwards, Ellis, Higginbotham, Jones, Little, Mims, Mitchell, Perry.

—8

Abstaining: Mr. Miller.

—1

The Bill:

S. 203. To provide safeguards for federal tax return information used in the administration of Alabama revenue laws and to provide penalties for the misuse of such information.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Bank, Ellis, Fine, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Owen, Pearson, Peden, Perloff, Perry, Powell, Roberts, St. John, Teague, Vacca, Waldrop.

—25

Nays:

—0

MOTION TO ADJOURN LOST

At 2:05 P.M., Mr. Shelby moved that the Senate adjourn until Tuesday, January 31, 1978, at 2 o'clock P.M., which motion was lost.

Yeas 10; Nays 15.

Yeas:

Messrs. Baker, Edwards, Fine, McDonald (A), McDonald (S), Mitchell, Perloff, Powell, Shelby, Waldrop.

—10

Nays:

Messrs. Bank, Ellis, Higginbotham, Jones, King, Little, McMillan, Mims, Owen, Pearson, Peden, Perry, St. John, Teague, Vacca.

—15

FURTHER CONSIDERATION OF S. B. 179

The Senate proceeded to further consideration of the Bill, S. B. 179.

On motion of Mr. King, further consideration of the Bill, S. B. 179, was postponed temporarily.

BILLS ON THIRD READING RESUMED

The Bill:

S. 116. To provide for a pay increase for the members of the Enforcement Division of the Public Service Commission who have complied with the Minimum Standards and Training Act and to appropriate necessary funds; to make the effective date of this act October 1, 1978.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 0.

Yeas:

Messrs. Baker, Bank, Edwards, Ellis, Fine, Goodwin, Higginbotham, Jones, King, Little, McDonald (S), McMillan, Miller, Mims, Mitchell, Owen, Pearson, Peden, Perloff, Perry, Roberts, St. John, Shelby, Teague, Vacca, Waldrop.

—26

Nays:

—0

The Bill:

S. 211. To provide for the payment of tuition and the cost of textbooks for an undergraduate student in a state college, junior college, or university, who is the child of a law enforcement officer or fire fighter killed in line of duty; to create a Tuition Eligibility Board to administer the provisions of the Act, and to prescribe its composition, duties and responsibilities; to appropriate necessary funds from the Special Education Trust Fund.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

Yeas:

Messrs. Baker, Edwards, Ellis, Fine, Higginbotham, Jones, King, Little, McDonald (S), McMillan, Miller, Mims, Mitchell, Owen, Pearson, Peden, Perloff, Perry, Proctor, St. John, Shelby, Teague, Vacca.

—23

Nays:

—0

By unanimous consent, the name of Mr. Vacca was added as co-sponsor of the above Bill.

S. 119. To amend Section 40-6-3 of the Code of Alabama 1975, as amended, so as to provide further for the compensation of supernumerary tax collectors, tax assessors and license commissioners or other elected officials charged with the assessment and/or collection of any ad valorem taxes in the various counties of the State of Alabama having a population of less than 600,000 inhabitants.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 14; Nays 11.

Yeas:

Messrs. Bank, Fine, Goodwin, King, Little, McDonald (S), Mims, Mitchell, Owen, Pearson, Perloff, Perry, Shelby, Vacca.

—14

Nays:

Messrs. Baker, Edwards, Ellis, Jones, McDonald (A), Peden, Powell, Roberts, St. John, Teague, Waldrop.

—11

The Bill:

S. 198. This bill provides that the Department of Revenue is to deposit tax collections in a Banking Institution to the credit of the Treasurer of the State of Alabama, certifying to the Treasurer such deposit and repealing all laws in conflict with this Act.

was taken up.

On motion of Mr. Owen, further consideration of the Bill, S. B. 198, was postponed until the next Legislative Day.

CALENDAR BILL INDEFINITELY POSTPONED

On motion of Mr. Vacca, further consideration of the Bill, S. B. 57, was indefinitely postponed by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

S. 205. To authorize Alabama Public School and College Authority to sell and issue two hundred million dollars (\$200,000,000) aggregate principal amount of additional bonds for capital improvements for public educational purposes including libraries, laboratories and facilities for athletics, recreation and physical education, and research facilities, including the acquisition of land, including colleges and universities, vocational-technical institutes, junior colleges, elementary-secondary school systems and special schools; to provide for details of the said bonds and for the public sale thereof; to make an appropriation and pledge for payment of the principal of and interest on the bonds of proceeds from specified excise taxes to the extent necessary to pay the said principal and interest at their respective maturities; to authorize the Authority to pledge for payment of the principal of and interest on the bonds the moneys so appropriated and pledged; to provide that the bonds shall be limited obligations of the Authority payable solely out of the funds so appropriated and pledged and will not create a debt or obligation of the state; to provide that the bonds and the income therefrom shall be exempt from taxation in this state and the bonds may be used to secure deposits of funds of this state and its political subdivisions, instrumentalities and agencies, and for investment of fiduciary funds; to authorize the issuance by the Authority of refunding bonds for the purpose of refunding the principal of any then outstanding bonds theretofore issued by either the Authority or Alabama Education Authority or both, and the expenses of such refunding and any premiums necessary to retire those so refunded; to provide that after payment of the expenses of the issuance of the bonds the proceeds from the sale thereof shall be disbursed on orders or warrants issued by or under the direction of the Authority for purposes for which they are authorized to be issued; and to provide that if any portion of this Act should be held invalid such holding shall not affect the validity of any other portion thereof.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, S. B. 205, to-wit:

COMMITTEE SUBSTITUTE FOR S. B. 205

A BILL
TO BE ENTITLED
AN ACT

To authorize Alabama Public School and College Authority to sell and issue two hundred million dollars (\$200,000,000) aggregate principal amount of additional bonds for capital improvements for public educational purposes including libraries, laboratories and facilities for athletics, recreation and physical education, and research facilities, including the acquisition of land, including colleges and universities, vocational-technical institutes, junior colleges, elementary-secondary school systems and special schools; to provide for details of the said bonds and for the public sale thereof; to make an appropriation and pledge for payment of the principal of and interest on the bonds of proceeds from specified excise taxes to the extent necessary to pay the said principal and interest at their respective maturities; to authorize the Authority to pledge for payment of the principal of and interest on the bonds the moneys so appropriated and pledged; to provide that the bonds shall be limited obligations of the Authority payable solely out of the funds so appropriated and pledged and will not create a debt or obligation of the state; to

provide that the bonds and the income therefrom shall be exempt from taxation in this state and the bonds may be used to secure deposits of funds of this state and its political subdivisions, instrumentalities and agencies, and for investment of fiduciary funds; to authorize the issuance by the Authority of refunding bonds for the purpose of refunding the principal of any then outstanding bonds theretofore issued by either the Authority or Alabama Education Authority or both, and the expenses of such refunding and any premiums necessary to retire those so refunded; to provide that after payment of the expenses of the issuance of the bonds the proceeds from the sale thereof shall be disbursed on orders or warrants issued by or under the direction of the Authority for purposes for which they are authorized to be issued; and to provide that if any portion of this Act should be held invalid such holding shall not affect the validity of any other portion thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions: Wherever used in this Act, the following terms shall have the following respective meanings unless the context clearly indicates otherwise:

"1957 Act" means Act No. 499 adopted at the 1957 Regular Session of the Legislature.

"1959 Act" means Act No. 126 adopted at the 1959 Second Special Session of the Legislature.

"1965 Act" means Act No. 243 adopted at the 1965 First Special Session of the Legislature.

"1967 Act" means Act No. 403 adopted at the 1967 Regular Session of the Legislature.

"1969 Act" means Act No. 1031 adopted at the 1969 Regular Session of the Legislature.

"1971 Acts" means Act No. 94 adopted at the 1971 First Special Session of the Legislature, Act No. 2428 adopted at the 1971 Regular Session of the Legislature, and Act No. 56 adopted at the 1971 Second Special Session of the Legislature.

"1973 Act" means Act No. 1278 adopted at the 1973 Regular Session of the Legislature.

"Authority" means Alabama Public School and College Authority, a public corporation and instrumentality of the state that was organized and is existing under the provisions of the 1965 Act.

"Board of directors" means the board of directors of the Authority.

"Bonds" (except where that word is used with reference to bonds issued under another act), means those bonds, other than refunding bonds, issued under the provisions of this Act.

"Capital Improvements" means buildings containing classrooms, offices, libraries, laboratories, clinical or teaching facilities, and facilities for athletics, recreation and physical education, and research facilities, including the acquisition of land, and the renovation of existing facilities, together with equipment therefor.

"Legislature" means the Legislature of Alabama.

"Refunding bonds" means those refunding bonds issued under the provisions of this Act.

"State" means the State of Alabama.

Nouns and pronouns when used in this Act shall be deemed to include both singular and plural and all applicable genders.

Section 2. Authorization to Issue Additional Bonds and Purposes Thereof. Alabama Public School and College Authority is hereby authorized to sell and issue its bonds in the aggregate principal amount of two hundred million dollars (\$200,000,000) for the construction, reconstruction, purchase, alteration, improvement, and equipment, of any types of capital improvements for public educational purposes in the state, including senior colleges and universities, vocational-technical institutes, junior colleges, and elementary-secondary school systems and special schools, and including the acquisition of land and cost of architectural services therefor and services rendered by building inspectors for periodic and final inspections thereof, and for acquiring sites therefor. The bonds authorized in this Act to be issued by the Authority shall be in addition to all other bonds heretofore authorized to be issued by it.

Section 3. Execution and Other Details of the Bonds. The bonds shall be executed, sealed and attested, shall with the income therefrom be exempt from all taxation in the state, may be used as security for deposits, and shall be eligible for investments of fiduciary funds, all as is provided in the 1965 Act. The bonds shall be in such form or forms and denomination or denominations and of such tenor and maturities, shall bear such rate or rates of interest payable and evidenced in such manner, may be made subject to redemption prior to their maturities and may contain provisions not inconsistent with this Act, all as may be provided by the resolution of the board of directors under which the bonds may be issued; provided, that no bonds shall have a specified maturity date later than twenty years after their date; and provided further, that those bonds having maturities more than ten years after their date shall be subject to redemption at the option of the Authority on any interest payment date on and after the tenth anniversary after their date at such redemption price and under such conditions as may be prescribed in the proceedings of the Authority under which they are issued.

Section 4. Sale of the Bonds. The bonds may be sold by the Authority from time to time in series, and if sold in more than one series, may all be authorized in one initial resolution of the board of directors with the pledges therefor made by the Authority in such initial resolution although some of the details applicable to each series may be specified in the respective resolutions under which the different series are issued. Each series of the bonds shall be sold only at public sale, either on sealed bids or at public auction, to the bidder whose bid reflects the lowest total net interest cost to the Authority for the series of the bonds being sold, computed from the date of those at the time being sold to their respective maturities and taking into account any premium named in the bid therefor; provided, that if no bid acceptable to the Authority is received it may reject all bids. Before any series of the bonds shall be offered for sale by the Authority, the Governor shall first determine that the issuance of such series of bonds and the application of the taxes pledged to the payment of the principal of such bonds as they mature and interest thereon as it comes due will not impair the adequacy of the Special Educational Trust Fund to pay appropriations therefrom and to support the public schools and institutions of higher learning during the period over

which such bonds will mature. The Governor's determination shall be in writing signed by the Governor and such determination shall be final and conclusive. Notice of each such sale shall be given by publication in either a financial journal or a financial newspaper published in the City of New York, New York, and also by publication in a newspaper published in the state which is customarily published not less often than five days during each calendar week, each of which notices must be published at least one time not less than ten days prior to the date fixed for the sale. The board of directors may fix the terms and conditions under which each such sale may be held; provided, that none of the bonds may be sold for a price less than the face value thereof; and provided further, that such terms and conditions shall not conflict with any of the requirements of this Act. Neither a public hearing nor consent of the State Department of Finance or any other department or agency shall be a prerequisite to the issuance of any of the bonds.

Section 5. Appropriation of Revenues to the Authority; Pledge Thereof for the Benefit of the Bonds. For the purpose of providing for payment of the principal of and interest on the bonds and to accomplish the objects of this Act, there is hereby irrevocably pledged to such purpose, and hereby appropriated, such amount as may be necessary for such purpose from the following sources:

(a) The residue of the receipts from the excise tax (sometimes referred to as the utilities gross receipts tax) levied by Act No. 21 adopted at the 1969 Special Session of the Legislature, as amended, remaining after payment of the expenses of administration and enforcement of the said Act No. 21, as amended, being that portion of the said tax that is required by the said Act No. 21, as amended, to be deposited in the state treasury to the credit of the Alabama Special Educational Trust Fund;

(b) The residue of the receipts from the excise tax (sometimes referred to as the utilities use tax) levied by Act No. 37 adopted at the 1969 Special Session of the Legislature, as amended, remaining after payment of the expenses of administration and enforcement of the said Act No. 37, as amended, being that portion of the said tax that is required by the said Act No. 37, as amended, to be deposited in the state treasury to the credit of the Alabama Special Educational Trust Fund;

(c) The residue of the receipts from the license tax levied on those engaging in the business of leasing or renting tangible personal property levied by Act No. 96 adopted at the 1971 First Special Session of the Legislature, remaining after payment of the expenses of administration and enforcement of the said Act No. 96, being that portion of the said tax that is required by the said Act No. 96 to be deposited in the State Treasury to the credit of the Alabama Special Educational Trust Fund;

(d) To the extent and to the extent only that the revenues appropriated in the foregoing subsections (a), (b), and (c) of this section may not be sufficient to pay at their respective maturities the principal of and interest on the bonds, the residue of the receipts from the excise tax known as the sales tax levied by Act No. 100 adopted at the 1959 Second Special Session of the Legislature, as amended, after there shall have been taken from the said residue the amounts appropriated for other educational purposes in Section 32 of the said Act No. 100 (which said residue constitutes that portion of the receipts from the said sales tax that is now required by law to be paid into the Alabama Special Educational Trust Fund), and after there shall have been taken from the said residue amounts sufficient to meet all prior charges of the

said residue including such amounts as may be necessary to pay at their respective maturities the principal of and interest on those of the following bonds that may be outstanding at the time of the delivery of the respective series of the bonds authorized herein: (1) those bonds issued by the State of Alabama under the 1957 Act; (2) those bonds issued by Alabama Education Authority under the 1959 Act; (3) those bonds issued by Alabama Public School and College Authority under any of the 1965 Act, the 1967 Act, the 1969 Act, the 1971 Acts, or the 1973 Act; and

(e) To the extent and to the extent only that the revenues appropriated in the foregoing subsections (a), (b), (c), and (d) of this section may not be sufficient to pay at their respective maturities the principal of and interest on the bonds, the residue of the receipts from the excise tax known as the use tax levied in Article 11 of Chapter 20 of Title 51 of the Code of Alabama of 1940, as amended, after there shall have been taken from the said receipts the amount necessary to meet the expenses of the State Department of Revenue in collecting the said use tax (which residue constitutes that portion of the receipts from the said use tax that is now required by law to be paid into the Alabama Special Educational Trust Fund), and after there shall have been taken from the said residue such amounts as may be necessary to meet all prior charges on the said use tax including the amounts sufficient to pay at their respective maturities the principal of and interest on those outstanding bonds referred to in clauses (1), (2), and (3) of subsection (d) of this section.

All moneys hereby appropriated and pledged shall constitute a sinking fund for the purpose of paying the principal of and interest on the bonds. The State Treasurer is authorized and directed to pay at their respective maturities the principal of and interest on the bonds out of said fund and out of the residues of the tax receipts herein appropriated and pledged for the benefit of the bonds, and he is authorized and directed to set up and maintain appropriate records pertaining thereto.

Section 6. Bonds to be Payable Solely Out of Revenues Appropriated; Authorization for Authority to Pledge Such Revenues for the Bonds. Bonds issued by the Authority shall not be general obligations of the Authority and shall be limited obligations payable solely out of the residues of the tax receipts appropriated and pledged in Section 5 of this Act. All bonds issued by the Authority pursuant to the provisions of this Act shall be solely and exclusively obligations of the Authority and shall not constitute or create an obligation or debt of the state. As security for the payment of the principal of and interest on the bonds, the Authority is hereby authorized and empowered to pledge for payment of the principal of and interest on the bonds the residues of the tax receipts that are appropriated and pledged in Section 5 hereof for payment of such principal and interest. All such pledges made by the Authority shall take precedence in the order of the adoption of the resolutions containing such pledges. All such pledges shall be prior and superior to pledges that may be made for any refunding bonds hereafter issued by the Alabama Education Authority under the provisions of the 1959 Act or by the Authority under the provisions of any of the 1965 Act, or the 1967 Act, or the 1969 Act, or the 1971 Acts, or the 1973 Act, or any other act heretofore enacted.

Section 7. Sale of Refunding Bonds. The Authority may from time to time sell and issue refunding bonds in amounts sufficient to refund the principal of any matured or unmatured bonds or refunding bonds then out-

standing that were issued by the Authority under the provisions of this Act, or the 1965 Act, the 1967 Act, the 1969 Act, the 1971 Acts, or the 1973 Act, or any other act previously enacted, or that were issued by Alabama Education Authority under the provisions of the 1959 Act, and to pay the expenses of such refunding and any premiums, necessary to retire those so refunded. For the purpose of providing funds to enable the Authority to pay at their respective maturities the principal of and interest on the refunding bonds issued by it under this Act and to accomplish the purposes of this Act, there is hereby irrevocably pledged to such purpose, and hereby appropriated, such amounts as may be necessary for such purpose of the residues of the receipts from the excise taxes appropriated and pledged in subsections (a), (b), (c), (d), and (e) of Section 5 of this Act, but such pledge and appropriation shall be subject and subordinate to the pledge and appropriation made in the said Section 5 for payment of the principal of and interest on the bonds issued under the provisions of Section 2 of this Act. All other provisions of this Act shall apply to the refunding bonds issued hereunder except (a) the limitation contained in Section 2 of this Act on the amount of bonds that may be issued under this Act, and (b) the provisions of Section 8 of this Act (except the last paragraph thereof). All pledges made in this Act, and all pledges made by the Authority pursuant to the provisions of this Act, for the benefit of refunding bonds issued under this Act shall take precedence in the order of the adoption of the resolutions authorizing the issuance of such refunding bonds.

Section 8. Use of Bond Proceeds. The proceeds derived from each sale of the bonds shall be deposited in the State Treasury and shall be carried in a separate fund therein for the account of the Authority, which shall pay therefrom the expenses of issuance thereof. The proceeds from the sale of the bonds remaining after payment of the expenses of issuance thereof shall be retained in said fund and paid out from time to time on orders or warrants issued by or on the direction of the Authority for any one or more of the purposes specified in Section 2 of this Act as may be deemed by the Authority to be most advantageous to the State, and such proceeds shall be used solely for such purposes and shall be allocated and expended by the Authority in the amount set out as follows:

A. Fifty million dollars (\$50,000,000) to colleges and universities to be distributed as follows:

(1) \$5,000,000 of such proceeds shall be distributed to the Board of Trustees of the University of Alabama to be used at its Tuscaloosa campus;

(2) \$5,000,000 of such proceeds shall be distributed to the Board of Trustees of Auburn University to be used at its Auburn campus;

(3) a. To colleges or universities with less than 1,000 full time equivalent students on main campus. \$1,000,000

b. To colleges or universities with more than 1,000 but less than 2,000 full time equivalent students on main campus. 2,000,000

c. To colleges or universities with more than 2,000 but less than 4,000 full time equivalent students on main campus. 3,000,000 Each

d. To colleges or universities with more than 4,000 but less than 10,000 full time equivalent students on main campus. 4,000,000 Each

The above proceeds in a, b, c, and d shall be expended on the main campus only.

B. Fifty million dollars (\$50,000,000) to Junior Colleges and Vocational Technical Institutes and the Talladega Vocational School for the Deaf.

These proceeds shall be distributed at the rate of \$1,000,000 for each and shall be expended on main campuses only.

C. The residue from the one hundred million dollars (\$100,000,000) after providing for costs involved in issuing said bonds shall be allocated and distributed to city and county boards of education, pro rata, on the basis of teacher units as determined in accordance with the minimum school program for the school year 1977-78 to be used for the construction of school building facilities, including buildings and equipment, for reconstruction, alteration, equipment and improvement of existing school buildings in school building centers approved by the State Department of Education as permanent school centers.

The expenses of issuance of the bonds shall be prorated among the recipients listed in subsections A, B, and C of the proceeds from the sale of the bonds in the proportions they receive allocations of such proceeds hereunder.

Each building constructed wholly or in part with any portion of the proceeds of the bonds shall be constructed pursuant to plans and specifications approved by the Technical Staff of the Building Commission or any agency that may be designated by the Legislature as its successor, and the costs of architectural and supervisory services shall be construed to constitute construction costs.

The proceeds derived from the sale of any refunding bonds issued under this Act remaining after paying the expenses of their issuance shall be used for the purpose of refunding the principal of the outstanding bonds for the refunding of which such refunding bonds were issued and paying any premium that may be necessary to be paid in order to retire the bonds so refunded.

Section 9. Severability. In the event any section, sentence, clause or provision of this Act shall be declared invalid by a court of competent jurisdiction, such action shall not affect the validity of the remaining sections, sentences, clauses, or provisions of this Act, which shall continue effective.

Section 10. Effective Date. This Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

ADJOURNMENT

At 2:30 P.M., on motion of Mr. Perloff, pending further consideration of the Bill, S. B. 205, the Senate adjourned until Tuesday, January 31, 1978, at 2:10 P.M.

Yeas 15; Nays 6.

Yeas:

Messrs. Baker, Bank, Edwards, Fine, Goodwin, Higginbotham, Jones, Little, McDonald (A), McDonald (S), Miller, Peden, Perloff, Powell, Waldrop.

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Nays: King, Mims, Pearson, Perry, St. John, Teague.

—6

SEVENTH LEGISLATIVE DAY

TUESDAY, JANUARY 31, 1978

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

PRAYER

The Session was opened with prayer by the Reverend W. F. Alford, Pastor, Beulah Baptist Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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JOURNAL

On motion of Mr. Peden, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE

ON RULES ON

REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Sixth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

U. W. CLEMON,
Chairman.

COMMITTEE REPORT

On motion of Mr. Clemon, the foregoing report was concurred in and the Journal of the Senate for the Sixth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. Peden, leave of absence was granted Messrs. McDonald (S) and Proctor for today.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Peden:

S. 498. To amend Section 32-6-3 of the Code of Alabama 1975 relating to examinations prior to application for the license or renewal of a driver's license so as to provide that the director of public safety may designate counties where persons may be examined.

Committee on Judiciary.

By Mr. Adams:

S. 499. To appropriate \$600,000 from the general fund of the state treasury to the Department of Public Safety for the purpose of constructing and equipping of a district trooper office in Houston County.

Committee on Finance and Taxation.

By Mr. Goodwin:

S. 500. To abolish rights of action for personal injury, death, or property damage sustained or aggravated by reason of a defective product or failure to warn or to properly instruct with respect to such product where such personal injury, death, or property damage is sustained or aggravated more than six (6) years after the manufactured product was purchased or more than eight (8) years after the date the product was manufactured (but in no case longer than eight (8) years) otherwise obtained for use by a consumer; to provide for the severability of this Act; and to provide the manner in which this bill becomes law.

Committee on Judiciary.

By Messrs. Little and McMillan:

S. 501. To create the Disaster Loan Fund, establish a board to administer said fund and to make certain appropriations for said fund.

Committee on Finance and Taxation.

By Mr. Mitchell:

S. 502. To establish certain requirements for the operation of ambulances and establishes criminal penalties.

Committee on Judiciary.

By Mr. Mitchell:

S. 503. To amend Sections 31-6-4, 31-6-5, and 31-6-6 of the Code of Alabama 1975, relating to the educational benefits for the children and the wives and widows of deceased or totally disabled veterans, to extend those benefits to the children or the wives or widows of all veterans, to extend those benefits to the children or the wives or widows of all veterans whose death or permanent disabilities are service-connected.

Committee on Finance and Taxation.

By Mr. St. John:

S. 504. To amend Section 8-6-18, Code of Alabama 1975, relating to violation of Section 8-6-17, the fraud provision of the Securities Act of Alabama, so as to increase the penalties therefor.

Committee on Judiciary.

By Mr. Noonan:

S. 505. To amend section 27-36-2, Code of Alabama 1975, which provides for the maintenance of unearned premium reserves by title insurers in an amount not less than ten percent of the total amount of risk premiums written in the calendar year for title insurance contracts and provides for the reduction of the reserve applicable to the contract by five percent during each of the twenty years following the year in which the contract was issued.

Committee on Insurance.

By Mr. Bank:

S. 506. To make an appropriation for capital outlay purposes at Livingston University at Livingston, Alabama, for the fiscal year ending September 30, 1979.

Committee on Finance and Taxation.

By Mr. Bank:

S. 507. To amend Section 16-53-3, Code of Alabama 1975, relating to the board of trustees of Livingston University, so as to further provide for the membership of such board.

Committee on Education.

By Messrs. Bank, Clemon, Owen, Perry, Fine, Mims and Jones:

S. 508. To amend Section 40-12-10 of the Code of Alabama, 1975, so as to provide for a procedure in cases involving invalid personal checks for licenses, and the voiding of such licenses.

Committee on Judiciary.

By Messrs. Bank, Clemon, Owen, Perry, Fine, Mims and Jones:

S. 509 To provide for all probate judges paid on a salary basis an additional expense allowance in an amount sufficient to maintain their total compensation equal to not less than ninety percent (90%) of that paid to the highest paid circuit court judge until the expiration of the present term of office of each such individual probate judge; to provide that upon the expiration of the present term the total salary and compensation paid such officer shall be not less than ninety percent (90%) of the total annual compensation, payable from state and county funds, to the presiding circuit court judge in the county he serves; to provide that the expense allowance and the compensation established herein shall be paid from the county funds, on the same proportionate basis as is the salary for the probate judge now provided by law; and to exempt from the provisions of this act any probate judge paid on a fee basis until such time as he is put on a salary basis.

Committee on Finance and Taxation.

By Mr. Shelby:

S. 510. To amend Code of Alabama 1975, Section 6-8-40, which relates to duties of circuit clerks, registers and probate judges, so as to relieve circuit clerks and registers of the duty of subscribing and filing copies of weekly newspapers in their offices.

Committee on Local Government.

By Mr. Clemon:

S. 511. To require that governing boards of educational systems or institutions cooperatively develop a grievance procedure with its employees and that such a procedure shall be adopted by June 1, 1980.

Committee on Finance and Taxation.

By Mr. Mims:

S. 512. To create the Office of Ombudsman for Disabled Citizens; to prescribe the powers and duties of such office; to provide for the appointment of a director and for the term of office; to provide for the employment of necessary personnel; to provide for the appointment of an advisory committee; and to make an appropriation.

Committee on Finance and Taxation.

By Mr. Mims:

S. 513. Further regulating the issuance of license plates for motor vehicles; providing for distinctive license plates for the passenger motor vehicles owned by certain disabled or handicapped persons; to prescribe certain responsibilities, duties and powers for the commissioner of revenue and the director of public safety in providing for the issuance of such license plates; and to prescribe penalties for violating the provisions of the act.

Committee on Finance and Taxation.

REPORTS OF COMMITTEES

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Ellis (With Substitute):

S. 98. To amend Sections 23-1-271, 23-1-273, 23-1-275, 23-1-278, 23-1-279, 23-1-280 and 23-1-288 of the Code of Alabama 1975, dealing with outdoor advertising so as to further regulate signs within 660 feet of a highway, and to provide for an increase in the permit fee for such signs.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Goodwin:

S. 235. To make a conditional appropriation from the general fund to the sports hall of fame at the Civic Center in Birmingham.

By Mr. Clemon:

S. 359. To provide for fair dismissal procedures for certain non-professional employees, not otherwise covered by the state merit system, at certain public educational institutions and facilities; to provide for and establish a review board to review dismissals of said employees; to provide for the appointment of review board members and their compensation; to define the

duties, authority and jurisdiction of the review board; and to provide for judicial review of the decisions of the review board.

By Mr. Goodwin:

S. 376. To provide for appointment and designation of Supernumerary Sheriffs of the several counties within this state; to prescribe qualifications for the participants in such commission as Supernumerary Sheriff; to prescribe regulations and procedures for participation in such commission as Supernumerary Sheriff and to repeal conflicting statutes.

By Mr. Peden:

S. 393. To authorize any town or city in the State of Alabama to plan, establish, develop, acquire, construct, enlarge, improve, maintain, equip, operate, regulate and protect any building, structure, land, leasehold estate, interest in land, right of way, equipment or instrumentality used or useful in connection with construction, equipping, development, maintenance or operation of any area or building for off-street parking of motor vehicles (defined as parking facilities), to finance the cost of parking facilities in whole or in part by the issuance of bonds, warrants, notes or other evidences of indebtedness maturing at such time or times as the Governing Body of the town or city may determine, not exceeding thirty years from their respective dates; to pledge to the payment thereof its full faith and credit and any tax, license or revenues which the town or city may then be authorized to pledge to the payment of bonded or other indebtedness; to lease or let parking facilities or any one or more of them to such tenant or tenants for such periods and for such compensation or rental and on such conditions as the governing body of the town or city may prescribe; to fix, establish, collect and alter parking fees, tolls, rents and other charges for the use of any parking facility; to make and enforce rules and regulations governing the use of any parking facilities owned or operated by the town or city and to execute such contracts and other instruments and to take such other action as the governing body of the town or city may deem necessary or convenient in connection with parking facilities.

By Messrs. Pearson, Mims, McDonald (A), Bank, Powell, McMillan and Jones:

S. 438. To further amend Chapter 24 of Title XVI of the Code of Alabama of 1975, as amended, in relation to definition of teacher; the eligibility for continuing service status as a teacher or continuing service status as a supervisor; a fair evaluation procedure for probationary employees; a date certain for the notification of transfers of continuing service status employees; salary entitlements for certified employees during periods of suspension or judicial and quasi-judicial review; and the requirement of a recommendation by a superintendent of education prior to nonreemployment of employees; to further amend Sections 16-24-30, 16-24-31, 16-24-32, and 16-24-38 of the Code of Alabama 1975, as amended, in relation to the composition, size, appointment provisions, and meetings of the Alabama State Tenure Commission.

By Mr. Vacca:

S. 445. To provide that educators shall be paid for up to 50 days of accrued sick leave at the same rate as his regular pay at the time of his retirement and to appropriate from the Alabama Special Educational Trust Fund to fund this benefit.

By Mr. Little:

S. 490. To make an emergency supplemental appropriation from the Alabama Special Educational Trust Fund to the Randolph County Board of Education to be used to restore or replace the Folsom Junior High School which was damaged by fire.

Mr. Pearson, Chairman of the Standing Committee on Conservation, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Pearson:

S. 479. To create a cabinet level position known as "Commissioner of Utilities"; to provide for the appointment, term and compensation of said commissioner; to provide that the public service commission shall abrogate certain powers, duties, authority and jurisdiction in favor of said commissioner; to further empower said commissioner to increase and decrease utility rates and charges in the best interests of the consumer public; to provide for direct appeal to the state supreme court of certain orders issued by said commissioner; to provide for the staffing of said commissioner's office; to make necessary appropriations to carry out the provisions of this Act and to provide for supplemental effect.

Mr. Mitchell, Chairman of the Standing Committee on Insurance, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Shelby:

S. 265. To amend Section 120 of Act 407, H. B. 198, Regular Session 1971, (Acts of Alabama 1971, Volume II, Page 774), as amended, which regulates the licensing of insurance agents, by imposing the requirement of satisfactory completion of a pre-qualification course prior to taking the written examination as provided in Section 120, paragraph (8).

Mr. Baker, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. St. John:

S. 317. Relating to counties having a population of not less than 50,000 nor more than 52,500 inhabitants according to the 1970 or any subsequent federal decennial census, providing for the establishment of a consolidated and unified system for assessment and collection of taxes in such counties under the supervision of an elected county official designated as county revenue commissioner, and repealing conflicting laws.

By Mr. Folmar:

H. 16. To further amend Section 11-6-2 of the Code of Alabama 1975 as last amended so as to add Pike County to the list of counties exempt from the requirement that the county engineer be a qualified land surveyor.

By Mr. Holley:

H. 82. To regulate further the compensation of the district attorney of the 12th judicial circuit; providing for a supplement to the salary of such district attorney payable by the counties composing the circuit.

REPORT FROM RULES

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 352. HONORING PEARLE E. GAMMELL, RECENTLY INDUCTED INTO THE ALABAMA NEWSPAPER HALL OF HONOR.

On motion of Mr. Perry, said Resolution was then adopted by the Senate.

By unanimous consent, the names of all the remaining Senators were added as co-sponsors of the above Resolution.

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 340. COMMENDING THE GRISSOM HIGH SCHOOL BAND FOR SUPERIOR PERFORMANCE AND HONORS RECEIVED.

On motion of Mr. King, said Resolution was then adopted by the Senate.

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 346. MOURNING THE DEATH OF SAMUEL CLAY PRUETTE, FORMER MAYOR OF BAY MINETTE.

On motion of Mr. Owen, said Resolution was then adopted by the Senate.

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 344. MOURNING THE DEATH OF DR. GEORGE B. HAL-LIDAY, PROMINENT BAY MINETTE PHYSICIAN.

On motion of Mr. Owen, said Resolution was then adopted by the Senate.

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 76. NAMING THAT PORTION OF U. S. HIGHWAY 280 FROM THE NORTH BOUNDARY OF TALLADEGA COUNTY TO THE SOUTH BOUNDARY OF COOSA COUNTY, "THE JIM NABORS HIGH-WAY."

On motion of Mr. Teague, further consideration of the Resolution, H. J. R. 76, was postponed temporarily.

BILL RE-REFERRED

Mr. Ellis moved that the Bill, S. B. 452, be removed from the Standing Committee on State Government and re-referred to another Committee, which motion was adopted.

And the President and Presiding Officer of the Senate ordered said Bill, S. B. 452, re-referred to the Standing Committee on Conservation.

REPORT FROM RULES

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 348. COMMENDING JUDGE SAM TAYLOR, FORMER LEGISLATOR.

On motion of Mr. Jones, said Resolution was then adopted by the Senate.

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. R. 349. MOURNING THE DEATH OF JUDGE WILLIAM F. THETFORD.

On motion of Mr. Jones, said Resolution was then adopted by the Senate.

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 334. RATIFYING THE PROPOSED AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES RELATING TO PROVIDING EQUAL RIGHTS TO WOMEN.

Mr. McDonald (A) moved that the Resolution, S. J. R. 334, be re-committed to the Standing Committee on Rules.

On motion of Mr. Clemon, the motion to re-commit was laid on the table.

Yeas 22; Nays 8.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Gilmore, Little, McMillan, Miller, Mitchell, Noonan, Owen, Pearson, Peden, Powell, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop.

—22

Nays:

Messrs. Ellis, Goodwin, Jones, King, McDonald (A), Mims, Perloff, Wilson.

—8

The question was then on the adoption of the Resolution, S. J. R. 334, and said Resolution was then lost.

Yeas 8; Nays 24.

Yeas:

Messrs. Adams, Clemon, Little, McMillan, Pearson, Roberts, Shelby, Stewart.

—8

Nays:

Messrs. Baker, Bank, Edwards, Ellis, Fine, Gilmore, Goodwin, Jones, King, McDonald (A), Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Powell, St. John, Teague, Vacca, Waldrop, Wilson.

—24

Mr. Perry moved that the Senate reconsider the vote by which the Resolution, S. J. R. 334, was lost, and further moved that the motion to reconsider be laid on the table; the motion to table prevailed.

BILLS RE-REFERRED

Mr. Jones moved that the Bill, S. B. 411, be removed from the Standing Committee on State Government and re-referred to another Committee, which motion was adopted.

And the President and Presiding Officer of the Senate ordered said Bill, S. B. 411, re-referred to the Standing Committee on Finance and Taxation.

RESOLUTIONS

Messrs. King and Jones offered the following Senate Joint Resolution, to-wit:

S. J. R. 353. CREATING A SELECT JOINT STUDY COMMITTEE TO REVIEW AND EVALUATE WORK RELEASE, GOOD TIME AND OTHER INMATE RELEASE PROGRAMS OF OUR STATE PRISONS SYSTEM.

WHEREAS, the work release and other inmate release programs of our state prisons system have the effect of putting prisoners still serving sentences for various crimes in direct contact with the law abiding citizens of our state; such action involves the security of our communities and therefore such programs must be carefully evaluated as to the risks involved to our citizen; and

WHEREAS, there, also, are those prisoners enjoying early release from their sentences under the provisions of the so-called "good time" law, their release based, in part, on conduct while in prison; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a select joint committee to be composed of three members of the House and three members of the Senate to be appointed by the presiding officer of each house. The members of the committee shall elect from among their membership a chairman and a vice-chairman. The committee shall comprehensively review

all inmate release programs of our state prison system with the purpose of evaluating the effect of said programs on the security of our citizens.

BE IT FURTHER RESOLVED, That we hereby call upon the appropriately responsible officials of the State of Alabama for an immediate moratorium on participation by any new inmates in the work release program pending the results of this study.

Upon the request of the chairman, the secretary of the senate and the clerk of the house shall provide such clerical assistance as may be necessary for the committee's work.

The committee shall report its findings, conclusions and recommendations to the legislature by a report filed with the clerk of the house and the secretary of the senate no later than the final legislative day of the current legislative term whereupon the committee shall be dissolved.

Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, on warrants drawn on the state comptroller upon requisition signed by the committee's chairman.

Which was read and referred to the Standing Committee on Rules.

Mr. Waldrop offered the following Senate Joint Resolution, to-wit:

S. J. R. 354. MOURNING THE DEATH OF MR. JOHN I. FLANNIGAN OF GADSDEN.

WHEREAS, it is with deep sorrow that the Legislature of Alabama has learned of the death of Mr. John I. Flannigan of Gadsden, Etowah County, Alabama, on January 23, 1978; and

WHEREAS, Mr. Flannigan, who at the time of his death was retired from Seminole Investment Bankers Association, was a native of Walpole, Illinois, and had lived in Gadsden for the past 40 years; and

WHEREAS, Jack Flannigan was an actively involved member of the First Baptist Church; he also was a member of the Gadsden Rotary Club and of Sigma Nu Fraternity; and

WHEREAS, he was a beloved and respected citizen of his community, having participated through the years in many of the civic, charitable and religious affairs of his city and county; his death has been faced with sorrow and deep regret by his family and many friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of John I. Flannigan of Gadsden, Alabama, extending heartfelt sympathy to his wife, Mrs. Ruth Wells Flannigan, and to their son and three daughters, to whom copies of this resolution shall be sent.

Which was read and referred to the Standing Committee on Rules.

Mr. Clemon offered the following Senate Joint Resolution, to-wit:

S. J. R. 355. A JOINT LEGISLATIVE COMMITTEE TO STUDY SALARY COMPARABILITY AMONG EDUCATORS IN THE STATE.

WHEREAS, the State of Alabama currently appropriates a large sum of money for salaries of educators and

WHEREAS, it may be more economical to provide a statewide salary schedule for all educators, Kindergarten—Graduate school; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that a Joint Legislative Committee consisting of four House members appointed by the Speaker of the House and four members of the Senate appointed by the President of the Senate shall study the feasibility of establishing a single statewide salary schedule for all educators, kindergarten through Graduate school.

BE IT FURTHER RESOLVED, that this committee will be paid per diem salary and expenses as in a session of the legislature and may employ such clerical and technical assistants as they deem necessary. The total may not exceed \$10,000.

BE IT FURTHER RESOLVED, that this committee shall report by the first legislative day of the 1979 Regular Legislative Session.

Which was read and referred to the Standing Committee on Rules.

Messrs. Gilmore, Pearson, Fine, Vacca, Wilson, Clemon, Ellis, Noonan, McMillan and Little offered the following Senate Joint Resolution, to-wit:

S. J. R. 356. To name the Life Science and Student Services Building of the University of Alabama in Birmingham for Dr. George W. Campbell, upon the recommendation of the University of Alabama Board of Trustees.

WHEREAS Dr. George W. Campbell, a native of Dadeville, Alabama, joined the University of Alabama faculty in 1939 as a part-time instructor with the Birmingham Extension Center, and

WHEREAS from 1941 to 1944 he was assistant director and director of the War Training Program in Birmingham and Tuscaloosa, and

WHEREAS from 1946 to 1949 he served as assistant director of the Birmingham Extension Center of the University of Alabama, and

WHEREAS from 1949 to 1953 he served as director of the Huntsville Extension Center of the University of Alabama, which was the antecedent of the University of Alabama in Huntsville, and

WHEREAS from 1953 to 1958 he served as director of the Mobile Extension Center of the University of Alabama, the antecedent of the University of South Alabama, and

WHEREAS from 1958 to 1966 he served as director of the Birmingham Extension Center and as associate dean of the Extension Division of the University of Alabama, and

WHEREAS from 1966 to 1971 he served as the dean of the College of General Studies of the University of Alabama in Birmingham, and

WHEREAS beginning in 1971 to the present date he has served as the vice president for University College, except for the period from June, 1976 to February, 1977, during which time he served as acting chief executive officer of the University of Alabama in Birmingham, and

WHEREAS the Board of Trustees of the University of Alabama wishes to recognize and honor Dr. George W. Campbell for the many years of devoted

service and distinguished leadership he has given to the University of Alabama System, to the people of this state, and especially to the thousands of students who have matriculated at the University College of the University of Alabama in Birmingham, by naming the Life Science and Student Services Building at the University of Alabama in Birmingham in his honor;

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that the new Life Science and Student Services Building at the University of Alabama in Birmingham be named in honor of Dr. George W. Campbell.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to Dr. Campbell.

Which was read and referred to the Standing Committee on Rules.

Mr. Roberts offered the following Senate Joint Resolution, to-wit:

S. J. R. 357. RELATIVE TO ADJOURNMENT OF THE TWO HOUSES.

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That when the two Houses adjourn today, they adjourn to meet again on Wednesday, February 1; and when they adjourn on Wednesday, February 1, they adjourn to meet again on Thursday, February 2; and when they adjourn on Thursday, February 2, they adjourn to meet again on Thursday, February 9.

Which was read and referred to the Standing Committee on Rules.

Messrs. Perloff and Owen offered the following Senate Joint Resolution, to-wit:

S. J. R. 358. HONORING DR. BOB BARKER, SR., PASTOR, CHICKASAW FIRST BAPTIST CHURCH.

WHEREAS, Dr. Bob Barker, Sr., born May 24, 1915, is a native of Bibb County, son of Thomas William and Wilma Rice Barker; he is a graduate of Bob Jones University, served as pastor of Hunter Memorial Baptist Church in Mobile for eight years, and presently is pastor of the Chickasaw First Baptist Church in which capacity he has served for the past 33 years, since November, 1944; and

WHEREAS, when Dr. Barker assumed his pastorship, Chickasaw First Baptist Church was only three years old with thirteen charter members, a total of 446 members and property consisting then of one small frame building; today the church plant is a brick complex with sanctuary and educational building valued at one and a half million dollars, membership totals 2,950, the recently adopted 1978 church budget amounts to \$277,804.00 and baptisms total 3,620 in the 33 years of Dr. Barker's ministry; and

WHEREAS, Bob Barker has further been active in denominational life as a past moderator of the Mobile Baptist Association, president of the Pastors' Conference for two years and as treasurer of Southern Baptist Convention Pastors' Conference; he also has served several terms on the Alabama Baptist Executive Committee, has been a trustee of Mobile College since its inception and was instrumental in starting two missions which later were organized into Baptist Churches; and

WHEREAS, Dr. Barker began a daily radio ministry in 1938 on WALA

radio; he has been on radio or television daily since that date, and "Coffee with the Parson" is considered the oldest continuous daily religious program in America; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Dr. Bob Barker, Sr., on his many years of dedicated and gainful ministry in serving the spiritual needs not only of his congregations, but also of untold thousands of others via radio and television.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Dr. Barker as evidence of our high praise and esteem.

Which was read and referred to the Standing Committee on Rules.

UNFINISHED BUSINESS BILLS ON THIRD READING

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 205. To authorize Alabama Public School and College Authority to sell and issue two hundred million dollars (\$200,000,000) aggregate principal amount of additional bonds for capital improvements for public educational purposes including libraries, laboratories and facilities for athletics, recreation and physical education, and research facilities, including the acquisition of land, including colleges and universities, vocational-technical institutes, junior colleges, elementary-secondary school systems and special schools; to provide for details of the said bonds and for the public sale thereof; to make an appropriation and pledge for payment of the principal of and interest on the bonds of proceeds from specified excise taxes to the extent necessary to pay the said principal and interest at their respective maturities; to authorize the Authority to pledge for payment of the principal of and interest on the bonds the moneys so appropriated and pledged; to provide that the bonds shall be limited obligations of the Authority payable solely out of the funds so appropriated and pledged and will not create a debt or obligation of the state; to provide that the bonds and the income therefrom shall be exempt from taxation in this state and the bonds may be used to secure deposits of funds of this state and its political subdivisions, instrumentalities and agencies, and for investment of fiduciary funds; to authorize the issuance by the Authority of refunding bonds for the purpose of refunding the principal of any then outstanding bonds theretofore issued by either the Authority or Alabama Education Authority or both, and the expenses of such refunding and any premiums necessary to retire those so refunded; to provide that after payment of the expenses of the issuance of the bonds the proceeds from the sale thereof shall be disbursed on orders or warrants issued by or under the direction of the Authority for purposes for which they are authorized to be issued; and to provide that if any portion of this Act should be held invalid such holding shall not affect the validity of any other portion thereof.

The question was on the substitute reported by the Standing Committee on Finance and Taxation, which said substitute is set out in the Journal of the Senate for the Sixth Legislative day.

Mr. Peden offered the following substitute for the Committee substitute for the Bill, S. B. 205, to-wit:

PEDEN SUBSTITUTE FOR COMMITTEE
SUBSTITUTE FOR S. B. 205A BILL
TO BE ENTITLED
AN ACT

To authorize Alabama Public School and College Authority to sell and issue two hundred twelve million eight hundred thousand dollars (\$212,800,000) aggregate principal amount of additional bonds for capital improvements for public educational purposes including libraries, laboratories and facilities for athletics, recreation and physical education, and research facilities, including the acquisition of land, including colleges and universities, vocational-technical institutes, junior colleges, elementary-secondary school systems and special schools; to provide for details of the said bonds and for the public sale thereof; to make an appropriation and pledge for payment of the principal of and interest on the bonds of proceeds from specified excise taxes to the extent necessary to pay the said principal and interest at their respective maturities; to authorize the Authority to pledge for payment of the principal of and interest on the bonds the moneys so appropriated and pledged; to provide that the bonds shall be limited obligations of the Authority payable solely out of the funds so appropriated and pledged and will not create a debt or obligation of the state; to provide that the bonds and the income therefrom shall be exempt from taxation in this state and the bonds may be used to secure deposits of funds of this state and its political subdivisions, instrumentalities and agencies, and for investment of fiduciary funds; to authorize the issuance by the Authority of refunding bonds for the purpose of refunding the principal of any then outstanding bonds theretofore issued by either the Authority or Alabama Education Authority or both, and the expenses of such refunding and any premiums necessary to retire those so refunded; to provide that after payment of the expenses of the issuance of the bonds the proceeds from the sale thereof shall be disbursed on orders or warrants issued by or under the direction of the Authority for purposes for which they are authorized to be issued; and to provide that if any portion of this Act should be held invalid such holding shall not affect the validity of any other portion thereof. BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Definitions: Wherever used in this Act, the following terms shall have the following respective meanings unless the context clearly indicates otherwise:

"1957 Act" means Act No. 499 adopted at the 1957 Regular Session of the Legislature.

"1959 Act" means Act No. 126 adopted at the 1959 Second Special Session of the Legislature.

"1965 Act" means Act No. 243 adopted at the 1965 First Special Session of the Legislature.

"1967 Act" means Act No. 403 adopted at the 1967 Regular Session of the Legislature.

"1969 Act" means Act No. 1031 adopted at the 1969 Regular Session of the Legislature.

"1971 Act" means Act No. 94 adopted at the 1971 First Special Session of the Legislature.

"1973 Act" means Act No. 1278 adopted at the 1973 Regular Session of the Legislature, Act No. 2428 adopted at the 1971 Regular Session of the Legislature, and Act No. 56 adopted at the 1971 Second Special Session of the Legislature.

"1973 Act" means Act No. 1278 adopted at the 1973 Regular Session of the Legislature.

"Authority" means Alabama Public School and College Authority, a public corporation and instrumentality of the state that was organized and its existing under the provisions of the 1965 Act.

"Board of directors" means the board of directors of the Authority.

"Bonds" (except where that word is used with reference to bonds issued under another act), means those bonds, other than refunding bonds, issued under the provisions of this Act.

"Capital Improvements" means buildings containing classrooms, offices, libraries, laboratories, clinical or teaching facilities, and facilities for athletics, recreation and physical education, and research facilities, including the acquisition of land, and the renovation of existing facilities, together with equipment therefor.

"Legislature" means the Legislature of Alabama.

"Refunding bonds" means those refunding bonds issued under the provisions of this Act.

"State" means the State of Alabama.

Nouns and pronouns when used in this Act shall be deemed to include both singular and plural and all applicable genders.

Section 2. Authorization to Issue Additional Bonds and Purposes Thereof. Alabama Public School and College Authority is hereby authorized to sell and issue its bonds in the aggregate principal amount of two hundred twelve million eight hundred thousand dollars (\$212,800,000) for the construction, reconstruction, purchase, alteration, improvement, and equipment, including school buses, of any types of capital improvements for public educational purposes in the state, including senior colleges and universities, vocational-technical institutes, junior colleges, and elementary-secondary school systems and special schools, and including the acquisition of land and cost of architectural services therefor and services rendered by building inspectors for periodic and final inspections thereof, and for acquiring sites therefor. The bonds authorized in this Act to be issued by the Authority shall be in addition to all other bonds heretofore authorized to be issued by it.

Section 3. Execution and Other Details of the Bonds. The bonds shall be executed, sealed and attested, shall with the income therefrom be exempt from all taxation in the state, may be used as security for deposits, and shall be eligible for investments of fiduciary funds, all as is provided in the 1965 Act. The bonds shall be in such form or forms and denomination or denominations and of such tenor and maturities, shall bear such rate or rates of interest payable and evidenced in such manner, may be made subject to redemption prior to their maturities and may contain provisions not inconsistent with this Act, all as may be provided by the resolution of the board of directors under which the bonds may be issued; provided, that no bonds shall have a specified maturity date later than twenty years after their date; and provided

further, that those bonds having maturities more than ten years after their date shall be subject to redemption at the option of the Authority on any interest payment date on and after the tenth anniversary after their date at such redemption price and under such conditions as may be prescribed in the proceedings of the Authority under which they are issued.

Section 4. Sale of the Bonds. The bonds may be sold by the Authority from time to time in series, and if sold in more than one series, may all be authorized in one initial resolution of the board of directors with the pledges therefor made by the Authority in such initial resolution although some of the details applicable to each series may be specified in the respective resolutions under which the different series are issued. Each series of the bonds shall be sold only at public sale, either on sealed bids or at public auction, to the bidder whose bid reflects the lowest total net interest cost to the Authority for the series of the bonds being sold, computed from the date of those at the time being sold to their respective maturities and taking into account any premium named in the bid therefor; provided, that if no bid acceptable to the Authority is received it may reject all bids. Before any series of the bonds shall be offered for sale by the Authority, the Governor shall first determine that the issuance of such series of bonds and the application of the taxes pledged to the payment of the principal of such bonds as they mature and interest thereon as it comes due will not impair the adequacy of the Special Educational Trust Fund to pay appropriations therefrom and to support the public schools and institutions of higher learning during the period over which such bonds will mature. The Governor's determination shall be in writing signed by the Governor and such determination shall be final and conclusive. Notice of each such sale shall be given by publication in either a financial journal or a financial newspaper published in the City of New York, New York, and also by publication in a newspaper published in the state which is customarily published not less often than five days during each calendar week, each of which notices must be published at least one time not less than ten days prior to the date fixed for the sale. The board of directors may fix the terms and conditions under which each such sale may be held; provided, that none of the bonds may be sold for a price less than the face value thereof; and provided further, that such terms and conditions shall not conflict with any of the requirements of this Act. Neither a public hearing nor consent of the State Department of Finance or any other department or agency shall be a prerequisite to the issuance of any of the bonds.

Section 5. Appropriation of Revenues to the Authority; Pledge Thereof for the Benefit of the Bonds. For the purpose of providing for payment of the principal of and interest on the bonds and to accomplish the objects of this Act, there is hereby irrevocably pledged to such purpose, and hereby appropriated, such amount as may be necessary for such purpose from the following sources:

(a) The residue of the receipts from the excise tax (sometimes referred to as the utilities gross receipts tax) levied by Act No. 21 adopted at the 1969 Special Session of the Legislature, as amended, remaining after payment of the expenses of administration and enforcement of the said Act No. 21, as amended, being that portion of the said tax that is required by the said Act No. 21, as amended, to be deposited in the state treasury to the credit of the Alabama Special Educational Trust Fund;

(b) The residue of the receipts from the excise tax (sometimes referred to as the utilities use tax) levied by Act No. 37 adopted at the 1969 Special Session of the Legislature, as amended, remaining after payment of the

expenses of administration and enforcement of the said Act No. 37, as amended, being that portion of the said tax that is required by the said Act No. 37, as amended, to be deposited in the state treasury to the credit of the Alabama Special Educational Trust Fund;

(c) The residue of the receipts from the license tax levied on those engaging in the business of leasing or renting tangible personal property levied by Act No. 96 adopted at the 1971 First Special Session of the Legislature, remaining after payment of the expenses of administration and enforcement of the said Act No. 96, being that portion of the said tax that is required by the said Act No. 96 to be deposited in the State Treasury to the credit of the Alabama Special Educational Trust Fund;

(d) To the extent and to the extent only that the revenues appropriated in the foregoing subsections (a), (b), and (c) of this section may not be sufficient to pay at their respective maturities the principal of and interest on the bonds, the residue of the receipts from the excise tax known as the sales tax levied by Act No. 100 adopted at the 1959 Second Special Session of the Legislature, as amended, after there shall have been taken from the said residue the amounts appropriated for other educational purposes in Section 32 of the said Act No. 100 (which said residue constitutes that portion of the receipts from the said sales tax that is now required by law to be paid into the Alabama Special Educational Trust Fund), and after there shall have been taken from the said residue amounts sufficient to meet all prior charges of the said residue including such amounts as may be necessary to pay at their respective maturities the principal of and interest on those of the following bonds that may be outstanding at the time of the delivery of the respective series of the bonds authorized herein: (1) those bonds issued by the State of Alabama under the 1957 Act; (2) those bonds issued by Alabama Education Authority under the 1959 Act; (3) those bonds issued by Alabama Public School and College Authority under any of the 1965 Act, the 1967 Act, the 1969 Act, the 1971 Acts, or the 1973 Act; and

(e) To the extent and to the extent only that the revenues appropriated in the foregoing subsections (a), (b), (c), and (d) of this section may not be sufficient to pay at their respective maturities the principal of and interest on the bonds, the residue of the receipts from the excise tax known as the use tax levied in Article 11 of Chapter 20 of Title 51 of the Code of Alabama of 1940, as amended, after there shall have been taken from the said receipts the amount necessary to meet the expenses of the State Department of Revenue in collecting the said use tax (which residue constitutes that portion of the receipts from the said use tax that is now required by law to be paid into the Alabama Special Educational Trust Fund), and after there shall have been taken from the said residue such amounts as may be necessary to meet all prior charges on the said use tax including the amounts sufficient to pay at their respective maturities the principal of and interest on those outstanding bonds referred to in clauses (1), (2), and (3) of subsection (d) of this section.

All moneys hereby appropriated and pledged shall constitute a sinking fund for the purpose of paying the principal of and interest on the bonds. The State Treasurer is authorized and directed to pay at their respective maturities the principal of and interest on the bonds out of said fund and out of the residues of the tax receipts herein appropriated and pledged for the benefit of the bonds, and he is authorized and directed to set up and maintain appropriate records pertaining thereto.

Section 6. Bonds to be Payable Solely Out of Revenues Appropriated; Authorization for Authority to Pledge Such Revenues for the Bonds. Bonds issued by the Authority shall not be general obligations of the Authority and shall be limited obligations payable solely out of the residues of the tax receipts appropriated and pledged in Section 5 of this Act. All bonds issued by the Authority pursuant to the provisions of this Act shall be solely and exclusively obligations of the Authority and shall not constitute or create an obligation or debt of the state. As security for the payment of the principal of and interest on the bonds, the Authority is hereby authorized and empowered to pledge for payment of the principal of and interest on the bonds the residues of the tax receipts that are appropriated and pledged in Section 5 hereof for payment of such principal and interest. All such pledges made by the Authority shall take precedence in the order of the adoption of the resolutions containing such pledges. All such pledges shall be prior and superior to pledges that may be made for any refunding bonds hereafter issued by the Alabama Education Authority under the provisions of the 1959 Act or by the Authority under the provisions of any of the 1965 Act, or the 1967 Act, or the 1969 Act, or the 1971 Acts, or the 1973 Act, or any other Act heretofore enacted.

Section 7. Sale of Refunding Bonds. The Authority may from time to time sell and issue refunding bonds in amounts sufficient to refund the principal of any matured or unmatured bonds or refunding bonds then outstanding that were issued by the Authority under the provisions of this Act, or the 1965 Act, the 1967 Act, the 1969 Act, the 1971 Acts, or the 1973 Act, or any other act previously enacted, or that were issued by Alabama Education Authority under the provisions of the 1959 Act, and to pay the expenses of such refunding and any premiums, necessary to retire those so refunded. For the purpose of providing funds to enable the Authority to pay at their respective maturities the principal of and interest on the refunding bonds issued by it under this Act and to accomplish the purposes of this Act, there is hereby irrevocably pledged to such purpose, and hereby appropriated, such amounts as may be necessary for such purpose of the residues of the receipts from the excise taxes appropriated and pledged in subsections (a), (b), (c), (d), and (e) of Section 5 of this Act, but such pledge and appropriation shall be subject and subordinate to the pledge and appropriation made in the said Section 5 for payment of the principal of and interest on the bonds issued under the provisions of Section 2 of this Act. All other provisions of this Act shall apply to the refunding bonds issued hereunder except (a) the limitation contained in Section 2 of this Act on the amount of bonds that may be issued under this Act, and (b) the provisions of Section 8 of this Act (except the last paragraph thereof). All pledges made in this Act, and all pledges made by the Authority pursuant to the provisions of this Act, for the benefit of refunding bonds issued under this Act shall take precedence in the order of the adoption of the resolutions authorizing the issuance of such refunding bonds.

Section 8. Use of Bond Proceeds. The proceeds derived from each sale of the bonds shall be deposited in the State Treasury and shall be carried in a separate fund therein for the account of the Authority, which shall pay therefrom the expenses of issuance thereof. The proceeds from the sale of the bonds remaining after payment of the expenses of issuance thereof shall be retained in said fund and paid out from time to time on orders or warrants issued by or on the direction of the Authority for any one or more of the purposes specified in Section 2 of this Act as may be deemed by the Authority to be most advantageous to the State, and such proceeds shall be used solely

for such purposes and shall be allocated and expended by the Authority in the amount set out as follows:

A. Sixty two million eight hundred thousand dollars (\$62,800,000) to colleges and universities to be distributed as follows:

(1) \$5,000,000 of such proceeds shall be distributed to the Board of Trustees of the University of Alabama to be used at its Tuscaloosa campus;

(2) \$5,000,000 of such proceeds shall be distributed to the Board of Trustees of Auburn University to be used at its Auburn campus;

(3) \$7,800,000 of such proceeds shall be distributed to the University of Alabama Medical School at Birmingham to be used on the main campus only;

(4) \$5,000,000 of such proceeds shall be distributed to the University of South Alabama Medical School at Mobile to be used on the main campus only;

(5) a. To colleges or universities with less than 1,000 full time equivalent students on main campus. \$1,000,000

b. To colleges or universities with more than 1,000 but less than 2,000 full time equivalent students on main campus. 2,000,000

c. To colleges or universities with more than 2,000 but less than 3,500 full time equivalent students on main campus. 3,000,000 Each

d. To colleges or universities with more than 3,500 but less than 10,000 full time equivalent students on main campus. 4,000,000 Each

The above proceeds in a, b, c, and d shall be expended on the main campus only.

B. Fifty million dollars (\$50,000,000) to Junior Colleges and Vocational Technical Institutes and the Talladega Vocational School for the Deaf.

These proceeds shall be distributed at the rate of \$1,000,000 for each and shall be expended on main campuses only.

C. The residue from the one hundred million dollars (\$100,000,000) after providing for costs involved in issuing said bonds shall be allocated and distributed to city and county boards of education, pro rata, on the basis of teacher units as determined in accordance with the minimum school program for the school year 1976-77 to be used for the construction of school building facilities, including buildings and equipment, for reconstruction, alteration, equipment and improvement of existing school buildings in school building centers approved by the State Department of Education as permanent school centers.

The expenses of issuance of the bonds shall be prorated among the recipients listed in subsections A, B, and C of the proceeds from the sale of the bonds in the proportions they receive allocations of such proceeds hereunder.

Each building constructed wholly or in part with any portion of the proceeds of the bonds shall be constructed pursuant to plans and specifications approved by the Technical Staff of the Building Commission or any agency that may be designated by the Legislature as its successor, and the costs of architectural and supervisory services shall be construed to constitute construction costs.

The proceeds derived from the sale of any refunding bonds issued under this Act remaining after paying the expenses of their issuance shall be used

for the purpose of refunding the principal of the outstanding bonds for the refunding of which such refunding bonds were issued and paying any premium that may be necessary to be paid in order to retire the bonds so refunded.

Section 9. Severability. In the event any section, sentence, clause or provision of this Act shall be declared invalid by a court of competent jurisdiction, such action shall not affect the validity of the remaining sections, sentences, clauses, or provisions of this Act, which shall continue effective.

Section 10. Effective Date. This Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

Which was adopted.

Mr. Pearson offered the following amendment to the Committee substitute, as amended, for the Bill, S. B. 205, to-wit:

**PEARSON AMENDMENT TO FINANCE AND TAXATION
SUBSTITUTE, AS AMENDED, FOR S. B. 205**

Amend Senate Substitute to Senate Bill 205, Page 1, Line 19, by striking out after the word "issue" the following words and figures "two hundred twelve million eight hundred thousand dollars, (\$212,800,000)".

Further amend on Page 9, Line 25, by adding the following language:

"e. That whatever sum is due to Alabama A & M University, at Normal, Alabama by the formula herein shall be increased an additional six million dollars (\$6,000,000)."

Further amend by adding immediately after the above amendment the following language:

"f. That whatever sum is due to Alabama State University at Montgomery, Alabama by the formula herein shall be increased an additional six million dollars (\$6,000,000)."

Mr. Peden moved that said amendment be laid on the table, which motion was lost.

Yeas 5; Nays 20.

Yeas: Messrs. Fine, Gilmore, Peden, Powell, St. John.

—5

Nays:

Messrs. Baker, Bank, Clemon, Edwards, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Noonan, Pearson, Perloff, Perry, Shelby, Stewart, Teague, Waldrop.

—20

And said amendment was then adopted by the Senate.

Mr. Waldrop offered the following amendment to the Committee substitute, as amended, for the Bill, S. B. 205, to-wit:

**SENATE AMENDMENT TO FINANCE AND TAXATION COMMITTEE
SUBSTITUTE, AS AMENDED, FOR S. B. 205**

Amend Substitute for S. B. 205, Page 10, Line 9, by inserting after the word "centers" the following sentence:

"The entire amount allocated in this Subsection C to the Etowah County Board of Education shall be expended for a middle school in District 6 on the Rainbow City side of the Coosa River."

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Johnson and Lee:

H. 384. To name the building now under construction at Shelton State Technical College in Tuscaloosa, Tuscaloosa County, Alabama, the "Victor Poole Learning Resources Center."

By Mr. Drake:

H. 158. To name the administration building at George C. Wallace State Community College at Hanceville, Cullman County, Alabama, "The Harlan G. Allen Building."

Also:

By Mr. McCluskey:

H. 234. To name that portion of U. S. Highway 280 from the north boundary of Sylacauga, Alabama to the south boundary of Sylacauga, Alabama, "The Jim Nabors Highway."

Also:

By Messrs. Roberts, Martin and Sonnier:

H. 135. To name the new gymnasium at Falkville High School, Falkville, Morgan County, Alabama, "The Tom Drake Gymnasium."

Also:

By Mr. Smith (B):

H. 61. To amend Sections 22-21-130, 22-21-131, 22-21-133, 22-21-135, 22-21-141, 22-21-142, 22-21-144, 22-21-145, 22-21-149 and 22-21-152 of the Code of Alabama of 1975, so as to make it clear that hospital authorities heretofore organized under the provisions of Act No. 109 enacted at the 1961 Regular Session of the Legislature of Alabama, as well as hospital authorities organized under the provisions of Article 5 of Chapter 21 of the Code of Alabama of 1975, shall be governed exclusively by said Article 5, and that all such hospital authorities may issue bonds payable out of revenues derived from the operation as well as from the leasing of any one or more of its projects; to provide for the amendment of the certificate of incorporation of any such hospital authority and to specify certain matters that may be included in any such certificate of incorporation and in any amendment thereto; to authorize and provide for an increase in the number of members of the board of directors of any such authority and to specify the procedure for the election of any such new directors; to provide that certain members of the board of directors need not be residents of the municipality that authorized the incorporation of such authority; to provide that no member of the board of

directors of any such authority shall be an officer of the county wherein the certificate of incorporation of such authority is filed; to exempt bonds and other obligations issued by any such authority from any usury or other laws regulating or limiting interest rates; to make more specific the provisions of said article dealing with refunding bonds and to specify the maximum principal amount of bonds for refunding purposes that may be issued by any such authority; to make permissive rather than mandatory the provisions of such article relating to pledging lease agreements as security for any bonds of any such authority; to provide that the trustee under any bond indenture of any such authority may be selected by the board without regard to the provisions of Chapter 25 of Title 36 of the Code of Alabama of 1975 or other similar law; to provide that proceeds from bonds issued by any such authority may be used for the cost of feasibility studies and for funding a debt service reserve and that any such authority may capitalize, from bond proceeds, interest on the bonds during the period required for construction and equipment of the project or improvements involved and for not more than two years after completion of such construction and equipment; and to provide that any such authority may invest unneeded funds in securities that are direct obligations of federal agencies, in interest-bearing bank time deposits and interest-bearing bank certificates of deposit and in interest-bearing time deposits and interest-bearing certificates of deposit of any federally-chartered savings and loan association.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 384, 158 and 135. To the Committee on State Government.

H. B. 234. To the Committee on Rules.

H. B. 61. To the Committee on Judiciary.

FURTHER CONSIDERATION OF S. B. 205

The Senate proceeded to further consideration of the Bill, S. B. 205.

The question was on the amendment offered by Mr. Waldrop, to the Committee substitute, as amended, for the Bill, S. B. 205.

REPORT FROM RULES

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 357. RELATIVE TO ADJOURNMENT OF THE TWO HOUSES.

The Standing Committee on Rules reported the following substitute for the Resolution, S. J. R. 257, to-wit:

COMMITTEE SUBSTITUTE FOR S. J. R. 357
RELATIVE TO ADJOURNMENT OF THE TWO HOUSES.

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That when the two Houses adjourn today, they adjourn to meet again on Thursday, February 2; and when they adjourn on Thursday, February 2, they adjourn to meet again on Thursday, February 9; and when they adjourn on Thursday, February 9; they adjourn to meet again on Tuesday, February 14.

Which was adopted.

And on motion of Mr. Fine, said Resolution, S. J. R. 357, as thus amended, was then adopted by the Senate.

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 356. TO NAME THE LIFE SCIENCE AND STUDENT SERVICES BUILDING OF THE UNIVERSITY OF ALABAMA IN BIRMINGHAM FOR DR. GEORGE W. CAMPBELL, UPON THE RECOMMENDATION OF THE UNIVERSITY OF ALABAMA BOARD OF TRUSTEES.

On motion of Mr. Gilmore, said Resolution was then adopted by the Senate.

FURTHER CONSIDERATION OF S. B. 205

The Senate proceeded to further consideration of the Bill, S. B. 205.

The question was on the amendment offered by Mr. Waldrop, to the Committee substitute, as amended, for the Bill, S. B. 205.

ADJOURNMENT

At 5 o'clock P.M., on motion of Mr. Perry, in accordance with Joint Resolution heretofore adopted by the Senate, and pending further consideration of S. B. 205, the Senate adjourned until Thursday, February 2, 1978, at 10 o'clock A.M.

EIGHTH LEGISLATIVE DAY

THURSDAY, FEBRUARY 2, 1978

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

PRAYER

The Session was opened with prayer by the Reverend James K. Ward, Minister, First Christian Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore,

Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Waldrop, Wilson.

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JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Seventh Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

U. W. CLEMON,
Chairman.

COMMITTEE REPORT

On motion of Mr. Clemon, the foregoing report was concurred in and the Journal of the Senate for the Seventh Legislative Day was approved by the Senate.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Fine:

S. 514. To amend Section 2005 of Act No. 607, S. 33, 1977 Regular Session (Acts 1977, p. 812), the state criminal code, relating to the offense of murder, so as to provide further for the punishment for such offense.

Committee on Judiciary.

By Mr. Edwards:

S. 515. To amend Section 34-11-8, Code of Alabama 1975, relating to certificates of registration for professional engineers and land surveyors, so as to remove the time limit for renewal of registration.

Committee on Finance and Taxation.

By Mr. Bank:

S. 516. To amend Section 20-2-74 of the Code of Alabama, 1975, to prohibit practitioners of medicine from prescribing, administering, or dispensing controlled substances other than for a legitimate medical purpose in the usual course of professional practice.

Committee on Health and Welfare.

By Mr. Bank:

S. 517. To regulate the solicitation of advertisement by any person, firm, corporation, State or Federal Peace Officers Association for any Peace Officers Magazine or Journal to provide penalties for violation of this Act.

Committee on Judiciary.

By Mr. Bank:

S. 518. To allow recipients to retain for their own use unsolicited merchandise received through the mails or by common carrier.

Committee on Judiciary.

By Mr. Bank:

S. 519. To prohibit certain acts relating to tampering with motor vehicle odometers, to require transferor's giving of an odometer certification, recording of mileage on title and bill of sale; and to provide penalties for violation.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Bank:

S. 520. To prohibit certain acts of deception and to require certain documentation with respect to automobile repair and to require written price estimates and, upon request, return of replaced parts and to provide penalties for the violation of such prohibition.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Adams:

S. 521. To authorize the creation of the Alabama Municipal Electric Authority as a public corporation of the State of Alabama; to authorize the Authority, as sole owner or in common with others, to acquire, construct, improve, equip, alter, repair, operate, and maintain projects embracing generation, transmission and distribution of bulk electric power and energy and to acquire, construct, and equip all property and things necessary or convenient for the purposes of the projects and the acquisition, construction, maintenance, and operation thereof; to authorize the Authority to enter into contracts providing for the prepayment by the Authority to enter into contracts providing for the prepayment by the Authority of charges for bulk electric power and energy; to confer powers, including, among others, the power of eminent domain, and the power to employ personnel and contract for indemnification of its officers, employees, and the members of the board of directors of the Authority; and to impose duties on the Authority; to provide for the membership and operation of the Authority; to establish an election committee to elect the board of directors of the Authority; to establish the board of directors of the Authority; to authorize the Authority and certain municipalities, municipal electric utility boards and public corporations owning or operating electric distribution systems to execute contracts for the sale of the output, capacity, use or service of the projects and to enforce the performance thereof; to authorize the issuance and to provide for the negotiability of bonds of the Authority payable from the revenues and other funds of

the Authority to pay the costs of the projects; to authorize the collecting and pledging of revenues and other funds and assets of the Authority for the payment of the bonds and for the cost of operating, maintaining, and repairing the projects; to authorize the execution of trust and security instruments relating to the Authority's property to secure the payment of the bonds; to provide rights for the owners of the bonds; to provide for the appointment of a receiver upon certain events; to provide that the bonds shall not constitute a debt of the State nor of any municipality, municipal electric utility boards or public corporations owning or operating an electric distribution system; to make the bonds legal investments and to exempt the bonds and the income therefrom and interest thereon along with all property (and filings with respect thereto) of the Authority from taxation; to exempt the bonds from the provisions of the State's usury laws; to exempt the purchase, sale or use of property by the Authority from all sales, use and license taxes in the State; to authorize the issuance of refunding bonds; to provide for validation of the bonds and the security therefor and any contracts related thereto; to provide that all funds received by the Authority shall be trust funds to be applied only as provided in this Act; to authorize the issuance of bonds anticipation notes and provide for the payment and terms thereof; to exempt the Authority from the provisions of the Public Service Commission law; to fix the jurisdiction of actions relating to any provisions of this Act; to provide for the dissolution of the Authority; to exempt the Authority from the operation of the Alabama Sunset Law of 1976, and from the competitive bid laws contained in the Code of Alabama 1975; to repeal all laws and parts of laws in conflict herewith; to provide for the severability of the provisions of this Act; to provide an effective date for this Act.

Committee on State Government.

By Mr. Perloff:

S. 522. To amend Sections 25-10-3, 25-10-4 and 25-10-10, Code of Alabama 1975, known as the small business assistance act, so as to create a department of small and minority business enterprise; to provide powers and duties of the office; and to make a continuing appropriation.

Committee on Finance and Taxation.

By Mr. McDonald (S):

S. 523. To remove prohibitions against municipal officers serving as officers or board members of cooperative utilities; to provide that persons serving in both capacities shall not be deemed to be interested in contracts between the municipality and the cooperative utility; and to repeal conflicting laws.

Committee on Local Government.

By Mr. McDonald (S):

S. 524. To require the tax assessor of each county to assess tax-exempt property, and to make a summary of such exemptions to be made public 190 days after completion of the county tax roll.

Committee on Finance and Taxation.

By Mr. McMillan:

S. 525. To authorize the state board of pardons and paroles to charge certain probationer residents of community residential facilities a monthly amount for room and board; to earmark the proceeds from such charges for

funding the residential facilities; and to authorize the board of pardons and paroles to promulgate such rules and regulations as may be necessary for carrying out the provisions of this act.

Committee on Judiciary.

By Messrs. Ellis, King, and St. John:

S. 526. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, relating to the executive department of state government; repealing and superseding Article V of the Constitution of Alabama, as amended, and Amendments No. 38 and 282 and all other conflicting provisions of said constitution.

Committee on Constitution and Elections.

The above Bill was read a first time at length as required by the Constitution.

By Messrs. McMillan, Gilmore, Ellis, Wilson, Clemon, Vacca and Pearson (with notice and proof):

S. 527. To apply in Jefferson County, Alabama, and to authorize the County Board of Health in such county to solicit, receive, hold or dispose of by sale or otherwise any gifts, grants, devises and bequests of money, real estate or any other thing of value and to use Jefferson County Board of Health funds to match or supplement any such gifts, grants, devises and bequests of money, real estate or any other thing of value to carry out the purpose or purposes for which any such gifts, grant, devise or bequest of money, real estate or other thing of value was given or granted; to further authorize said Board to purchase, sell or exchange any real or personal property needed to carry out the functions of said Board.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 527, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Messrs. Stewart and Teague:

S. 528. To amend Section 37-1-11, Code of Alabama 1975 which fixes the compensation of the President and the Associate Members of the Alabama Public Service Commission.

Committee on Finance and Taxation.

By Messrs. Goodwin and Gilmore:

S. 529. To authorize the legislature of the State of Alabama to control the usage of certain parking spaces on certain streets immediately adjacent to the capitol grounds of the City of Montgomery and certain other parking spaces on state property; to direct the Chief of Service of the Division of Service to work under the direction and control of the joint legislative parking committee created by Act No. 8, Organizational Session 1975 in regard to assigning said parking.

Committee on Rules.

By Messrs. St. John and Fine:

S. 530. To amend section 12-18-8, Code of Alabama 1975, which relates to the state judicial retirement system law, so as to provide for the transfer of certain contributions from the teachers' retirement system to the judicial retirement fund; to provide further for the meaning of legal or judicial service as it relates to eligibility within said judicial retirement system; and to extend the qualifying date of service as it relates to eligibility within said system.

Committee on Finance and Taxation.

By Mr. St. John:

S. 531. To amend Section 4115 of Act No. 607, S. 33, Regular Session 1977 (Acts of Alabama 1977, p. 812), which relates to the public offense of bait advertising under the state criminal code, so as to authorize the disclosure of a limitation of quantity in the advertisement.

Committee on Judiciary.

By Mr. Owen:

S. 532. To amend Section 40-23-4 of the Code of Alabama 1975, relating to exemptions from the state sales tax so as to delete certain provisions restricting the exemption relating to ships, vessels and barges to those vessels constructed or built within this state.

Committee on Finance and Taxation.

By Mr. Teague:

S. 533. To provide that the board of trustees of the Alabama Institute for Deaf and Blind shall adopt written policies with regard to education; to provide for the manner in which such policies shall be adopted; to provide that such written policies shall be made available to all employees; and to provide that such written policies and written amendments thereto shall be filed with the state superintendent of education.

Committee on Finance and Taxation.

By Mr. Teague:

S. 534. To provide that any teacher or employee of a public school system, the State Board of Education, the state Department of Education, State Senior Universities, State Junior Colleges, State Vocational Technical Colleges, or any other State educational institution or agency shall, if incapacitated as a direct result of an on-the-job injury, continue, for a period of not more than two years during such incapacity, to draw his full salary reduced by the amount of any workmen's compensation benefits (exclusive of medical payments or reimbursements) received during such two-year period; and to authorize standards for carrying out the provisions of this Act.

Committee on Finance and Taxation.

By Messrs. Vacca and Adams:

S. 535. To establish a boat operator's license; to provide the procedure and cost of obtaining a boat operator's license, a boat operator's permit, and duplicates; and to prescribe penalties for violations of provisions of this Act.

Committee on Conservation.

By Mr. Gilmore:

S. 536. To amend Section 11-54-87 of the Code of Alabama of 1975 so as to provide that a municipal industrial development board may, subject to the other provisions of said Section 11-54-87, locate a project or part thereof outside the corporate limits but within the police jurisdiction of another city or town in this state without the consent of the governing body of such other city or town if such project or part thereof to be located outside the corporate limits but within the police jurisdiction of such other city or town consists principally or solely of facilities for or useful in the control, reduction, abatement or prevention of pollution of air or water or both.

Committee on Finance and Taxation.

By Mr. Little:

S. 537. To name the building which houses the office and laboratories of the State Toxicologist in Auburn, Alabama, the "C. J. Rehling Laboratories."

Committee on State Government.

By Messrs. Fine, McDonald (A), Shelby, Gilmore, Mims, Adams, Owen, Peden and Powell:

S. 538. To exempt from ad valorem taxation all farm machinery.

Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Messrs Smith (C) and Cates:

H. J. R. 89. CONGRATULATING WARRANT OFFICER CARROLL MISSILDINE.

Also:

By Mrs. Quarles:

H. J. R. 90. MOURNING THE DEATH OF MR. FRANK SULLIVAN.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolutions, H. J. R.'s 89 and 90, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Mr. Holmes (A):

H. J. R. 47. COMMENDING OSCAR GAMBLE FOR OUTSTANDING ACCOMPLISHMENTS IN PROFESSIONAL BASEBALL.

Also:

By Mr. Holmes (A):

H. J. R. 48. COMMENDING THE REVEREND ISAAC L. FORBES.

Also:

By Mr. Holmes (A):

H. J. R. 49. COMMENDING THE REVEREND WILLIE WILLIAMS.

Also:

By Mr. Homes (A):

H. J. R. 50. COMMENDING DR. MOSES W. JONES, PROMINENT MONTGOMERY PHYSICIAN.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolutions, H. J. R.'s 47, 48, 49, and 50, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Mr. Dial:

H. J. R. 73. CONGRATULATING MISS TERESA HORNE, MISS ALABAMA FARM BUREAU QUEEN.

Also:

By Mr. Dial:

H. J. R. 74. COMMENDING THE DOYLE PHILLIPS FAMILY, FARM BUREAU'S OUTSTANDING YOUNG FARM FAMILY FOR 1978.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolutions, H. J. R.'s 73 and 74, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 32. EXTENDING HEARTIEST BIRTHDAY WISHES TO OUR FRIEND, HERBERT NATION.

Also:

S. J. R. 33. MOURNING THE DEATH OF THE HONORABLE GLENN H. HEARN.

Also:

S. J. R. 48. MOURNING THE DEATH OF THOMAS COLEMAN PETTUS.

Also:

S. J. R. 49. EXTENDING HEARTIEST BIRTHDAY WISHES TO OUR DOORKEEPER, BRUCE PEEK.

Also:

S. J. R. 333. MOURNING THE DEATH OF SENATOR HUBERT H. HUMPHREY.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Messrs. Moore (O), McCorquodale, Trammell, Jackson (F) and Shoemaker:

H. J. R. 96. HONORING HARRY WALKER WHO IS TO BE INDUCTED INTO THE ALABAMA SPORTS HALL OF FAME.

Also:

By Messrs. Moore (O), Smith (C) and Waggoner:

H. J. R. 97. COMMENDING JAMES L. RAY, JR., AWARD WINNING COUNTY ENGINEER.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolutions, H. J. R.'s 96 and 97, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Callahan:

H. J. R. 85. URGING ALABAMA'S UNITED STATES SENATORS TO OPPOSE THE PANAMA CANAL TREATIES.

WHEREAS, on September 7, 1977, President Jimmy Carter of the United States of America and Brigadier General Omar Torrijos Herrera of the Republic of Panama signed two treaties relating to the Panama Canal Zone; and

WHEREAS, these treaties provide for the complete relinquishment of American control of the Panama Canal Zone by the year 2000; and

WHEREAS, these treaties will place the Canal Zone under general Panamanian jurisdiction six months after the instruments of ratification are exchanged; and

WHEREAS, the Hay-Bunau-Varilla Treaty in 1903 provided that the United States would perpetual possession, use and control of the Canal just as if "it were the sovereign of the territory"; and

WHEREAS, as one of the most strategic man-made waterways in the world, the Panama Canal is a vital link in the defense of the United States and the Western Hemisphere; and

WHEREAS, \$387,000,000 was spent and American lives were lost in constructing the Canal; and

WHEREAS, the United States' net investment in the Panama Canal operation is over \$5,000,000,000; and

WHEREAS, the free flow of the commerce of the United States and other nations depends on the Panama Canal being open and properly operated; and

WHEREAS, 14 United States military bases are located within the Canal zone; and

WHEREAS, the continued, rightful control by the United States over the Panama Canal is needed to maintain the peace and security of the Canal Zone, which is located in a politically unstable part of the world; and

WHEREAS, two-thirds of the members of the United States Senate must consent to these treaties before they can be effective; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby urge our Democratic Senators to provide their leadership in opposition to the Panama Canal treaties.

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to the United State Senators from Alabama, the Honorable John Sparkman and the Honorable Jim Allen, and to the Secretary of the United States Senate.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 85, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Gafford and Biddle:

H. J. R. 86. COMMENDING THE GARDENDALE ROCKETTES, DIXIE DEBS WORLD SERIES SOFTBALL CHAMPIONS.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 86, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Starkey:

H. J. R. 83. COMMENDING COACH KENNETH HAROLD MCKINNEY AND HIS STEVENSON HIGH SCHOOL STATE 2-A FOOTBALL CHAMPIONS.

Also:

By Starkey:

H. J. R. 84. HONORING MR. ROBERT LEE BOWLES, PROMINENT JACKSON COUNTY CIVIC AND RELIGIOUS LEADER.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolutions, H. J. R.'s 83 and 84, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 34. COMMENDING MR. ION S. WALKER FOR OUTSTANDING SERVICE ON THE MOBILE COUNTY RACING COMMISSION.

Also:

S. J. R. 35. CONGRATULATING THE HALL OF FAME PROMOTERS ON THEIR INAUGURAL CLASSIC.

Also:

S. J. R. 37. COMMENDING MR. LESLIE STIFFLEMIRE UPON HIS RECENT RETIREMENT.

Also:

S. J. R. 39. MOURNING THE DEATH OF EARL CLAYTON PIPPIN.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Smith (C), Moore (O), Waggoner, Turnham:

H. J. R. 77. HONORING JAMES F. VICKREY, JR., PRESIDENT, UNIVERSITY OF MONTEVALLO.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 77, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Mr. McNees:

H. J. R. 55. COMMENDING JERRY BOBO, FAYETTE COUNTY HIGH SCHOOL BAND DIRECTOR.

Also:

By Mr. McNees:

H. J. R. 56. HONORING MISS BESS SAVAGE FOR FORTY YEARS OF MERITORIOUS SERVICE WITH THE FAYETTE COUNTY DEPARTMENT OF PENSIONS AND SECURITY.

Also:

By Mr. McNeese:

H. J. R. 57. COMMENDING THE REVEREND BRYON WHITE, OUTSTANDING RELIGIOUS LEADER.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolutions, H. J. R.'s 55, 56, and 57, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Coburn, Carter, Roberts and Holmes (D):

H. 80. To require motor vehicle franchisors to indemnify their motor vehicle franchises for certain liabilities and to fairly compensate motor vehicle franchises for warranty work performed.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 80. To the Committee on Commerce, Transportation, and Utilities.

REPORTS OF COMMITTEES

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Crawford:

H. 304. To make an appropriation from the Alabama Special Educational Trust Fund to the Henry County Board of Education for capital outlay purposes to be used to restore or replace the Newville Elementary School which was destroyed by fire.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Mims (With Amendment):

S. 370. Relating to Alabama's forestry program; creating the Forestry Study Committee; establishing the membership and prescribing their pow-

ers, duties and authority; setting certain guidelines for the operation of the committee; and making an appropriation from the general fund of the state treasury for the fiscal year ending September 30, 1978.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Teague:

S. 130. To provide for a privilege license for automotive dismantlers and parts recyclers; to fix a fee for such license; to require proof of responsibility for such license; to provide for the business which may be carried on under such license; to set qualifications for obtaining such license; to require maintenance of certain records to assist law enforcement officials; to authorize holders of such license to transfer certificates of title to motor vehicles as a licensed motor vehicle dealer; to provide for cancellation or revocation of such license; to require buyers at salvage pools or salvage disposal sales to obtain a permit to purchase at such sales; to fix a penalty for violations of this Act; and to set an effective date.

By Mr. Teague:

S. 130. To amend further Section 3 of Act No. 47, H. 29, Regular Session 1951, (Acts of 1951, p. 259), as last amended, which relates to the provision of educational benefits to certain disabled veterans; to dependents and survivors of disabled veterans; and to dependents and survivors of deceased servicemen or veterans so as to further regulate the granting of such benefits.

By Mr. Owen:

S. 217. To further amend Section 8 of Act No. 2, H. 47, Regular Session of 1945, (Gen. Acts of 1945, p. 20), as amended, to provide for the allocation and distribution of a portion of the tax collected on oil or gas wells located within the joint police jurisdictions of various municipalities.

By Mr. Shelby:

S. 405. To establish a student assistance program in the State of Alabama to be known as the Alabama Guaranteed Student Loan Program, which will guarantee loans made by approved lenders to residents of Alabama who are attending or plan to attend qualified institutions in the State or elsewhere, for the purpose of assisting them in meeting educational expenses; to set forth legislative findings and purposes underlying the Program; to designate the Alabama Commission on Higher Education to administer the program; to vest the Alabama Commission on Higher Education with the powers and duties reasonably needed for the effective implementation and administration of the Program; to provide a penalty for false statements of misrepresentation in connection with the Program; to establish continuance of the Program; to designate the Attorney General as legal counsel for the Program; to make an appropriation establishing the Program from the Special Educational Trust Fund; to provide for severability; to repeal conflicting laws; and to provide an effective date.

By Mr. Shelby:

S. 408. To make a supplemental appropriation from the Alabama spe-

cial educational trust fund, for the fiscal year ending September 30, 1978, to the University of Alabama at Tuscaloosa for capital outlay purposes of constructing a building for the School of Mines.

By Mr. Mims:

S. 496. Relating to Native Americans; creating the Southwest Alabama Indian Affairs Commission; providing for its duties and membership; prescribing the method of appointment and compensation of the members of said commission; providing for an appropriation for such commission from the state general fund; and repealing all laws or parts of laws conflicting with this act, specifically repealing Act No. 533, S. 449, 1976 Regular Session (Acts of 1976, p. 684).

By Messrs. Little and McMillan:

S. 501. To create the Disaster Loan Fund, establish a board to administer said fund and to make certain appropriations for said fund.

By Messrs. Bank, Clemon, Owen, Perry, Fine, Mims and Jones:

S. 509. To provide for all probate judges paid on a salary basis an additional expense allowance in an amount sufficient to maintain their total compensation equal to not less than ninety percent (90%) of that paid to the highest paid circuit court judge until the expiration of the present term of office of each such individual probate judge; to provide that upon the expiration of the present term the total salary and compensation paid such officer shall be not less than ninety percent (90%) of the total annual compensation, payable from state and county funds, to the presiding circuit court judge in the county he serves; to provide that the expense allowance and the compensation established herein shall be paid from the county funds, on the same proportionate basis as is the salary for the probate judge now provided by law; and to exempt from the provisions of this act any probate judge paid on a fee basis until such time as he is put on a salary basis.

Mr. St. John, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Mims:

S. 219. To provide bidding procedures and contents thereof in connection with the licensing of motion pictures, to provide that once bids are solicited, the distributor may license the picture only by bidding, to prohibit the practice of "blind bidding" and to provide penalties for violation of this Act, including damages and attorneys fees.

By Mr. Shelby:

S. 263. To create the "Alabama Crime Victim's Compensation Commission", to review and determine the validity of claims of certain innocent victims of crimes and award compensation therefor; to establish the membership, powers and duties of the commission; to provide for judicial review; to provide the right of subrogation and restitution actions; to provide that any offender automatically forfeits all rights and interests in any property rights, funds or future interests which are a result, directly or indirectly, of the crime and to make the distribution therefrom; to remove the statute of limitation on any property judgment subject thereto; to provide penalties for fraudulent

claims; and to provide that the effective date shall be contingent on federal legislation appropriating funds to the states for crime victim compensation or award programs.

By Mr. Smith (B):

H. 61. To amend Sections 22-21-130, 22-21-131, 22-21-133, 22-21-135, 22-21-141, 22-21-142, 22-21-144, 22-21-145, 22-21-149 and 22-21-152 of the Code of Alabama of 1975, so as to make it clear that hospital authorities heretofore organized under the provisions of Act No. 109 enacted at the 1961 Regular Session of the Legislature of Alabama, as well as hospital authorities organized under the provisions of Article 5 of Chapter 21 of the Code of Alabama of 1975, shall be governed exclusively by said Article 5, and that all such hospital authorities may issue bonds payable out of revenues derived from the operation as well as from the leasing of any one or more of its projects; to provide for the amendment of the certificate of incorporation of any such hospital authority and to specify certain matters that may be included in any such certificate of incorporation and in any amendment thereto; to authorize and provide for an increase in the number of members of the board of directors of any such authority and to specify the procedure for the election of any such new directors; to provide that certain members of the board of directors need not be residents of the municipality that authorized the incorporation of such authority; to provide that no member of the board of directors of any such authority shall be an officer of the county wherein the certificate of incorporation of such authority is filed; to exempt bonds and other obligations issued by any such authority from any usury or other laws regulating or limiting interest rates; to make more specific the provisions of said article dealing with refunding bonds and to specify the maximum principal amount of bonds for refunding purposes that may be issued by any such authority; to make permissive rather than mandatory the provisions of such article relating to pledging lease agreements as security for any bonds of any such authority; to provide that the trustee under any bond indenture of any such authority may be selected by the board without regard to the provisions of Chapter 25 of Title 36 of the Code of Alabama of 1975 or other similar law; to provide that proceeds from bonds issued by any such authority may be used for the cost of feasibility studies and for funding a debt service reserve and that any such authority may capitalize, from bond proceeds, interest on the bonds during the period required for construction and equipment of the project or improvements involved and for not more than two years after completion of such construction and equipment; and to provide that any such authority may invest unneeded funds in securities that are direct obligations of federal agencies, in interest-bearing bank time deposits and interest-bearing bank certificates of deposit and in interest-bearing time deposits and interest-bearing certificates of deposit of any federally-chartered savings and loan association.

By Mr. Holmes (D), et al:

H. 217. To amend further section 12-19-210, Code of Alabama 1975, as amended, which relates to jurors' expense allowances, so as to provide that such allowances shall be payable from the state treasury, and to make the act retroactive.

By Mr. McNair:

H. 1. To amend further Act No. 249, H. 492, Regular Session of 1967 (Acts of 1967, p. 629; now appearing in Code of Alabama, Recompiled 1958,

Title 55, Section 244 (9), so as to include the dean of Miles College Law School as a member of the council of the state law institute.

By Mr. McMillan:

S. 85. To impose a civil liability on any person who knowingly causes a false alarm or false report for emergency or rescue service to be transmitted to or within any rescue squad, fire department or like authorities, whether volunteer, public or privately owned.

Mr. St. John, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. McMillan (With Amendment):

S. 124. To amend section 6-6-482, Code of Alabama 1975, which exempts salaries of public employees and officials from garnishments issued on judgments ex delicto so as to allow garnishments for the enforcement against such employees or officials of the legal obligation to provide child support.

Mr. St. John, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. St. John:

S. 345. To provide that whoever knowingly sells and delivers any coal which has been mixed or loaded in the delivery container together with any substance or material other than coal or together with coal of a different quality with intent to defraud the purchaser of such coal or with the intent to obtain a higher price for such coal by inducing the purchaser to believe that such coal is of a higher quality or different quality than is actually delivered shall be guilty of criminal fraud; and providing penalties therefor.

By Mr. St. John:

S. 241. To provide for county law libraries in each county, and for the personnel, space, funding, operation, and maintenance thereof, making said law libraries part of a loose network with the other law libraries in the state for their mutual benefit; permitting present county law libraries to come under the provisions of this act as they elect to do so.

Mr. King, Chairman of the Standing Committee on Constitution and Elections, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. McDonald (S):

S. 493. Proposing an amendment to the Constitution of Alabama that further regulates the length of certain sessions of the legislature and provides that each second and fourth regular session of each term of office of the legislature shall be restricted to the subjects of the budget, raising revenue, and measures recommended by the governor, and any other matters shall require the affirmative vote of two-thirds of the elected members of each house.

The above Bill was read a second time at length as required by the Constitution.

By Messrs. King, St. John, McDonald (S) and McDonald (A):

S. 269. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, relating to the legislative department of state government; to repeal specifically the following Sections thereof; 49, 57, 69, 74, 75, 77, 84, 85, 86, 87, 90, 92, 102, 103, 109 and 238; to amend and supersede the following Sections: 44, 45, 46, 47, 48, 51, 52, 53, 54, 55, 105, 106, 107, 110, and 111, and Constitutional Amendments No. 39, 57, 97, 159, and 339, and to supersede and repeal all other conflicting provisions thereof.

The above Bill was read a second time at length as required by the Constitution.

Mr. King, Chairman of the Standing Committee on Constitution and Elections, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. McDonald (A) (With Amendment):

S. 192. Proposing and providing for further amendment to Article XVIII, Section 284 of the Constitution of 1901, as amended, so as to prescribe the times for holding elections on constitutional amendments, the exception thereto and setting the required majority for passage in each house of the legislature.

The above Bill was read a second time at length as required by the Constitution.

Mr. King, Chairman of the Standing Committee on Constitution and Elections, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Edwards:

S. 480. Proposing an amendment to the Constitution of Alabama restricting all even-year regular sessions of the legislature to the subjects of local legislation and the budget, commencing with the 1979 regular session of the legislature, and restricting the number of days for such sessions.

The above Bill was read a second time at length as required by the Constitution.

Mr. Waldrop, Chairman of the Standing Committee on Business and Labor Relations, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Ellis:

S. 117. To provide for computer privacy for all Alabama citizens; to regulate certain public and private business entities dealing with computers and to provide criminal sanctions for violation of this Act.

Mr. Jones, Chairman of the Standing Committee on State Government, reported that said committee, in session, had acted on the following bill and

ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Perloff (With Substitute):

S. 162. Relating to personalized motor vehicle license plates; to amend Act No. 144, S. 58, 1975 Third Special Session (Acts 1975, p. 387), which provides for the issuance of personalized motor vehicle license plates at an additional fee; so as to explicitly provide that payment of said additional fee shall be payable only upon issuance of the personalized license plate.

Mr. Noonan, Chairman of the Standing Committee on Seaports and Inland Waterways, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Callahan:

H. 94. To re-enact Act No. 703 enacted at the 1976 Regular Session of the Legislature of Alabama and to amend the Title and Sections 1, 3, 4, 6 and 8 thereof, to add a new Section 7 and to re-number subsequent sections accordingly; to increase the aggregate principal amount of revenue bonds therein authorized to be issued by the Alabama State Docks Department, to increase the maximum amount of and otherwise provide for the special processing charge therein created to pay the principal of and interest on the revenue bonds authorized therein, and to provide for the sale and issuance by the Department of refunding bonds.

REPORT FROM RULES

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 29. COMMENDING MICHAEL MILLS OF OPELIKA FOR OUTSTANDING ACHIEVEMENT.

On motion of Mr. Higginbotham, said Resolution was then adopted by the Senate.

Mr. McMillan requested and received unanimous consent that his name be added as co-sponsor of the above Resolution.

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 36. A RESOLUTION HONORING THE MEMORY OF EARL CLAYTON PIPPIN.

On motion of Mr. Clemon, said Resolution was then concurred in and adopted by the Senate.

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 358. HONORING DR. BOB BARKER, SR., PASTOR, CHICKASAW FIRST BAPTIST CHURCH.

On motion of Mr. Owen, said Resolution was then adopted by the Senate.

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 332. COMMENDING MR. JOHN A. STANLEY, SR., ON HIS OUTSTANDING VOTING RECORD.

On motion of Mr. Owen, said Resolution was then adopted by the Senate.

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 60. COMMENDING THE UNIVERSITY OF MONTEVALLO ON ITS MISSIONS AND GOALS STUDY TO PROVIDE LONG-RANGE POLICY DIRECTION.

On motion of Mr. Proctor, said Resolution was then concurred in and adopted by the Senate.

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 61. COMMENDING MR. J. D. "JIMMY" BELL, PROMINENT CLANTON, ALABAMA BUSINESSMAN.

On motion of Mr. Proctor, said Resolution was then concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. McCluskey, Moore (O), Shoemaker, Dial, Coburn, Pegues and Campbell:

H. 147. To amend Section 2 of Act 281, H. 295, Special Session, 1966 (Code of Alabama, 1975, Section 16-33-4), which is the Alabama Educational Benefits for Dependents of Blind Parents Act, so as to increase the amount of family income allowed in a family where the head of the household is blind for dependents to be eligible for educational benefits at institutions of higher learning.

Also:

By Mr. Waggoner:

H. 182. To provide state employees with paid leave for certain time spent in olympic competition.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles, of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 147 and 182. To the Committee on Finance and Taxation.

RESOLUTIONS

Mr. Baker offered the following Senate Joint Resolution, to-wit:

S. J. R. 359. REJECTING THE REPORT OF THE STATE JUDICIAL COMPENSATION COMMISSION FOR SALARIES AND EXPENSE ALLOWANCES FOR THE JUDICIARY.

WHEREAS, the Judicial Compensation Commission has submitted its recommendations to the Alabama Legislature for the salaries and expense allowances for the judiciary as provided by Code of Alabama 1975, Sections 12-10-4 and 12-10-5; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do repudiate and soundly reject the report and recommendations of the State Judicial Compensation Commission for salaries and allowances for the judiciary.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to all members of the Judicial Compensation Commission.

Which was read and referred to the Standing Committee on Rules.

Mr. Edwards offered the following Senate Joint Resolution, to-wit:

S. J. R. 360. URGING PRESIDENT CARTER TO GIVE CONSIDERATION TO A TAX REFORM PACKAGE TO BE PREPARED BY THE UNIVERSITY OF ALABAMA.

WHEREAS, it is the consensus of this body, and even nationwide, that our country is in dire and long overdue need of a complete reform of our entire system and method of taxation; and

WHEREAS, the tax burden on the American people, even now insufferable, is becomingly increasingly more horrendous to the point that the average citizen of this country can no longer carry the burden heaped upon his shoulders by unfair, inequitable and oftentimes regressive taxes imposed by irresponsible and insensitive legislation; and

WHEREAS, President Carter has himself voiced publicly the need for tax reform to give vital relief to our citizens, though in most cases his administration's proposals and suggestions offer no hope of relief for the responsible, hard-pressed middle income workers who already carry a disproportionate share of this country's tax burdens; and

WHEREAS, a tax reform package is to be prepared in the near future at the University of Alabama, expected to be a comprehensive study and assessment of the present methods of taxation in all areas with explicit and

emphatic recommendations for totally re-structuring today's unfair, archaic and chaotic system; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most strongly urge the President of the United States to give utmost and positive consideration to the tax reform analysis and proposals to be presented, prepared at the University of Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent, immediately upon passage of same, to President Carter, and copy also to accompany the prepared tax package.

Which was read and referred to the Standing Committee on Rules.

Mr. Roberts offered the following Senate Joint Resolution, to-wit:

S. J. R. 361. INVITING BURT REYNOLDS AND SALLY FIELD TO ADDRESS THE ALABAMA LEGISLATURE.

WHEREAS, the Legislature of Alabama is pleased to learn that Mr. Burt Reynolds and Miss Sally Field, both of whom enjoy worldwide recognition as stars of note in the field of entertainment, are in Tuscaloosa for the purpose of filming a movie; and

WHEREAS, Mr. Reynolds who is a native of Georgia and a fellow Southerner, and Miss Field who is a native of California, are most welcomed visitors to our state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most cordially invite Mr. Burt Reynolds and Miss Sally Field to honor us by addressing the Alabama Legislature at their first opportunity.

BE IT FURTHER RESOLVED, That the secretary of the Senate inform Mr. Reynolds and Miss Field, by copy of this resolution, of our invitation to speak.

Which was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment of Brigadier General.

Respectfully submitted,
HENRY B. STEAGALL, II,
Executive Secretary.

Done this 2nd day of February, 1978.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Willie L. Whitman, Jr. as a Brigadier General in the Alabama Air National Guard.

Respectfully,
GEORGE C. WALLACE,
Governor.

Done this 2nd day of February, 1978.

GOVERNOR'S MESSAGE

The foregoing message from his Excellency, the Governor, relative to an appointment of Brigadier General in the Alabama Air National Guard, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment on the Board of Trustees of the Alabama State University.

Respectfully submitted,
HENRY B. STEAGALL, II,
Executive Secretary.

Done this 2nd day of February, 1978.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed Edwin L. D. Moss, Selma, Alabama, to the Board of Trustees of the Alabama State University as a State-at-Large member for the term expiring January 31, 1980.

As this appointment must be confirmed by your Body, I herewith transmit it to you for such action as you deem right and proper.

Respectfully,
GEORGE C. WALLACE,
Governor.

Done this 2nd day of February, 1978.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Trustees of Alabama State University, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to a reappointment on the Board of Trustees of the Alabama State University.

Respectfully submitted,

HENRY B. STEAGALL, II,
Executive Secretary.

Done this 2nd day of February, 1978.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have reappointed Ross Dunn, Shawmut, Alabama, 3rd Congressional District, as a member of the Board of Trustees of the Alabama State University for the term expiring January 31, 1984.

As this appointment must be confirmed by your Body, I herewith transmit it to you for such action as you deem right and proper.

Respectfully,

GEORGE C. WALLACE,
Governor.

Done this 2nd day of February, 1978.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to the reappointment to the Board of Trustees of Alabama State University, was read and referred to the Standing Committee on Rules.

UNFINISHED BUSINESS

BILLS ON THIRD READING

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 205. To authorize Alabama Public School and College Authority to sell and issue two hundred million dollars (\$200,000,000) aggregate principal amount of additional bonds for capital improvements for public educational purposes including libraries, laboratories and facilities for athletics, recreation and physical education, and research facilities, including the acquisition of land, including colleges and universities, vocational-technical institutes, junior colleges, elementary-secondary school systems and special schools; to provide for details of the said bonds and for the public sale thereof; to make an appropriation and pledge for payment of the principal of and

interest on the bonds of proceeds from specified excise taxes to the extent necessary to pay the principal and interest at their respective maturities; to authorize the Authority to pledge for payment of the principal of and interest on the bonds the moneys so appropriated and pledged; to provide that the bonds shall be limited obligations of the Authority payable solely out of the funds so appropriated and pledged and will not create a debt or obligation of the state; to provide that the bonds and the income therefrom shall be exempt from taxation in this state and the bonds may be used to secure deposits of funds of this state and its political subdivisions, instrumentalities and agencies, and for investment of fiduciary funds; to authorize the issuance by the Authority of refunding bonds for the purpose of refunding the principal of any then outstanding bonds theretofore issued by either the Authority or Alabama Education Authority or both, and the expenses of such refunding and any premiums necessary to retire those so refunded; to provide that after payment of the expenses of the issuance of the bonds the proceeds from the sale thereof shall be disbursed on orders or warrants issued by or under the direction of the Authority for purposes for which they are authorized to be issued; and to provide that if any portion of this Act should be held invalid such holding shall not affect the validity of any other portion thereof.

The question was on the amendment offered by Mr. Waldrop to the Committee substitute, as amended by the Peden substitute and the Pearson amendment (which said substitute and amendment are set out in the Journal of the Senate for the Seventh Legislative Day).

RECESS

At 11:40 A.M., on motion of Mr. Baker, the Senate took a recess until 1 o'clock this afternoon.

Yeas 14; Nays 10.

Yeas:

Messrs. Adams, Baker, Edwards, Fine, Gilmore, King, McDonald (S), Owen, Pearson, Peden, Perloff, Shelby, Stewart, Teague.

—14

Nays:

Messrs. Bank, Goodwin, Higginbotham, Jones, Little, McMillan, Miller, Perry, Roberts, Waldrop.

—10

The recess period having expired, the Senate was called to order by Lieutenant Governor Beasley. A quorum of the Senate was present.

QUORUM CALL REQUESTED

At 1:20 P.M., Mr. Fine requested that the President and Presiding Officer ascertain the presence of a quorum.

On a call of the roll, the following Senators responded to their names:

Messrs. Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Noonan, Pearson, Peden, Perry, Proctor, Roberts, Stewart, Vacca, Waldrop.

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REPORT OF
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 32. EXTENDING HEARTIEST BIRTHDAY WISHES TO OUR FRIEND, HERBERT NATION.

Also:

S. J. R. 33. MOURNING THE DEATH OF THE HONORABLE GLENN H. HEARN.

Also:

S. J. R. 34. COMMENDING MR. ION S. WALKER FOR OUTSTANDING SERVICE ON THE MOBILE COUNTY RACING COMMISSION.

Also:

S. J. R. 35. CONGRATULATING THE HALL OF FAME PROMOTERS ON THEIR INAUGURAL CLASSIC.

Also:

S. J. R. 37. COMMENDING MR. LESLIE STIFFLEMIRE UPON HIS RECENT RETIREMENT.

Also:

S. J. R. 39. MOURNING THE DEATH OF EARL CLAYTON PIPPIN.

Also:

S. J. R. 48. MOURNING THE DEATH OF THOMAS COLEMAN PETTUS.

Also:

S. J. R. 49. EXTENDING HEARTIEST BIRTHDAY WISHES TO OUR DOORKEEPER, BRUCE PEEK.

Also:

S. J. R. 333. MOURNING THE DEATH OF SENATOR HUBERT H. HUMPHREY.

U. W. CLEMON,
Chairman.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been

publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

ADJOURNMENT

At 1:25 P.M., on motion of Mr. Waldrop, in accordance with Joint Resolution heretofore adopted, and pending further consideration of the Bill, S. B. 205, the Senate adjourned until Thursday, February 9, 1978, at 10 o'clock A.M.

Yeas 16; Nays 11.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Fine, Gilmore, King, McDonald (S), Owen, Pearson, Reden, Powell, Shelby, Teague, Vacca, Waldrop.

—16

Nays:

Messrs. Ellis, Goodwin, Higginbotham, Jones, Little, McDonald (A), McMillan, Miller, Perry, Proctor, Stewart.

—11

NINTH LEGISLATIVE DAY

THURSDAY, FEBRUARY 9, 1978

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

PRAYER

The Session was opened with prayer by Mr. John Mills, Minister, Church of Christ, Greenville, Alabama.

ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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JOURNAL

On motion of Mr. Peden, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the

Eighth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

U. W. CLEMON,
Chairman.

COMMITTEE REPORT

On motion of Mr. Clemon, the foregoing report was concurred in and the Journal of the Senate for the Eighth Legislative Day was approved by the Senate.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Adams (with notice and proof):

S. 539. Relating to Houston County; to prescribe the composition of the hospital board of said county; to ratify and confirm all previous acts of said board in approving and authorizing the sale of bonds for financing hospitals in said county and to provide for supplemental effect.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 539, as required in the General Acts of Alabama 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Mims:

S. 540. To require each county to provide for the taking up and impounding of livestock running at large upon public roads and highways; and to repeal conflicting laws including Act No. 822 of the 1951 Legislature (Regular Session).

Committee on Agriculture.

By Mr. Bank:

S. 541. To make an appropriation for capital outlay purposes at Livingston University at Livingston, Alabama, for the fiscal year ending September 30, 1978.

Committee on Finance and Taxation.

By Mr. Bank:

S. 542. To regulate the solicitation of money and property by or on behalf of any charitable organization, and to prescribe criminal penalties for the violation of this act.

Committee on Judiciary.

By Mr. Bank:

S. 543. To amend Section 6-5-333 of the Code of Alabama 1975 relating to dentists constituting utilization and quality control committees, peer review committees or professional standards review committees.

Committee on Health and Welfare.

By Mr. Teague:

S. 544. To protect the public safety by providing for notices to public utilities by persons excavating or discharging explosives near utility facilities or demolishing buildings containing utility facilities; to provide for notices to affected parties when underground facilities are damaged; to provide for the establishment of a rebuttable presumption of negligence for failure to comply with certain provisions of this act, and to prescribe penalties for violations hereof.

Committee on Commerce, Transportation,
and Utilities.

By Mr. McDonald:

S. 545. To appropriate \$5,000 from the special educational trust fund to the North Alabama Educational Opportunity Center, Career Fair Committee.

Committee on Finance and Taxation.

By Mr. Pearson:

S. 546. Proposing an amendment to the Constitution of Alabama relating to public retirement systems, to prohibit increased benefits under retirement plans which are funded in whole or in part by public funds unless increased funding has been provided; to require the legislature to annually appropriate the necessary funds and prescribe member contributions for all retirement systems operated by the state; and to prohibit the diversion of assets of funds from public retirement systems.

Committee on Finance and Taxation.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Waldrop (with notice and proof):

S. 547. Relating to Rainbow City in Etowah County; to provide for a special election of the electors of Rainbow City on the issue of whether or not the people of Rainbow City want to create a separate municipal school board in Rainbow City; to provide for the termination of any municipal school system for Rainbow City in the event the voters vote to stay within the county system; and to provide for the creation of a municipal school system, in accordance with existing laws, for Rainbow City if the electors vote in favor of creating such a municipal school system.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 547, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Little:

S. 548. To authorize the Alabama Public Library Service to purchase and place a set of the Code of Alabama 1975, and supplements or replacements thereof, in each public library operating under the authority of the

Alabama Public Library Service; and to make an appropriation from the special educational trust fund.

Committee on Judiciary.

By Messrs. St. John and Ellis:

S. 549. To amend Sections 610, 2612, and 630 of Act No. 607, S. 33, Regular Session 1977 (Acts of Alabama 1977, p. 812), the Alabama Criminal Code, so as to further provide and clarify the instances when a person may use deadly physical force in defense of a person, to change the designation, classification and penalty for the offense of burglary in the third degree, and to further provide and clarify the instances when the amount of force a peace officer or guard may use in making an arrest or preventing an escape.

Committee on Finance and Taxation.

By Messrs. St. John and Ellis:

S. 550. To amend Sections 130, 1230, 3202, 3203, 3204, 3207, 3208, 3210, 3250, 3280, 4045, 4550, 4601, 4608, 4705, 5511, 5530, and 9901 of Act No. 607, S. 33, Regular Session 1977 (Acts of Alabama 1977, p. 812), entitled, "An Act To provide an entirely new criminal code for the State of Alabama; defining offenses, fixing punishment; repealing numerous specific code sections and statutes that conflict herewith as well as all other laws that conflict with this act."

Committee on Finance and Taxation.

By Messrs. St. John and Owen:

S. 551. To amend Act 607 Section 9901 of the 1977 Regular Session of the Legislature so as to delete the repealing of Title 51, Section 394.

Committee on Finance and Taxation.

By Mr. Bank:

S. 552. To amend Section 34-14-31, Code of Alabama, 1975, to authorize the Alabama Board of Hearing Aid Dealers to promulgate and adopt rules and regulations subject to the approval of the State Committee of Public Health for the purpose of enforcing this Act.

Committee on Health and Welfare.

By Mr. Gilmore:

S. 553. To amend Sections 34-27-4, 34-27-31 and 34-27-35 of the Code of Alabama 1975 pertaining to qualifications for real estate broker and real estate salesmen licensees, so as to establish a "Real Estate Recovery Fund"; to provide procedural rights for aggrieved parties in certain real estate transactions and to provide for the termination of the license of any person against whom a judgment creates a claim against such fund; and to further provide for certain fees and the distribution thereof.

Committee on Finance and Taxation.

By Messrs. Proctor, Gilmore, Stewart and Teague:

S. 554. Relating to the eighteenth judicial circuit; providing for an additional circuit court judge in such circuit and prescribing the duties, authority, and compensation of such judge.

Committee on Finance and Taxation.

By Mr. Owen:

S. 555. To increase the probate judges' fee for issuing motor vehicle licenses.

Committee on Finance and Taxation.

By Messrs. Stewart, Roberts, Shelby, McMillan, Little, Adams, Owen and Teague:

S. 556. To provide for a silent meditation period in the public schools.

Committee on Finance and Taxation.

By Mr. McDonald (A):

S. 557. To amend Section 40-7-68 of the Code of Alabama 1975, relating to the cost of the statewide reappraisal program for equalization of ad valorem taxes, so as to provide further for payment from the Alabama Special Educational Trust Fund of such costs chargeable to the county and the city boards of education when it becomes necessary for any county to let a second contract for reappraisal for such purposes.

Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Merrill, Robertson and Coburn:

H. 119. To provide, in addition to benefits now received, a cost-of-living increase in retirement benefits for persons retired or otherwise receiving benefits under the state employees' or teachers' retirement systems prior to October 1, 1977; to specifically exclude certain persons from the provisions hereof; to make the provisions hereof optional to each county or municipality having retired employees participating in either state retirement system; to make appropriations to carry out the provisions hereof; and to repeal conflicting laws.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 119. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Dial, Smith (M), McCluskey, Shoemaker, Holmes (D), Shelton, Merrill and Morris.

H. J. R. 98. ENDORSING AND SUPPORTING THE DEVELOPMENT OF THE TALLADEGA SCENIC DRIVE.

WHEREAS, The Legislature of Alabama is concerned about the development of Alabama's outdoor recreational resources and accepts the position, as does the medical profession, that recreation contributes to the attainment and maintenance of good physical health and mental and emotional tranquility; and

WHEREAS, the completed portion of the Talladega Scenic Drive affords a glorious beauty to be enjoyed by all those both living in and traveling through that area of our state; and

WHEREAS, the Talladega Scenic Drive represents a master plan for the recreational development of the Talladega National Forest; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we strongly endorse and support the development of the Talladega Scenic Drive and the recreation resources it represents so that Alabama's spectacular mountain scenery can be available to all people and not limited to just those of the physical stamina needed to climb the mountains.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 98, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Reed:

H. J. R. 102. EXTENDING AN INVITATION TO SENATOR JOHN SPARKMAN TO ADDRESS THE ALABAMA LEGISLATURE.

WHEREAS, Senator John Sparkman has long been held in high regard by the citizens of our State and by the members of this body; and

WHEREAS, his announced decision to retire at the conclusion of his present term of office in the United States Senate is a source of deep regret as it heralds the loss of his voice and influential efforts on behalf of our state and its citizens on the national level; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby extend an invitation to the Honorable John Sparkman to address a joint session of the Alabama Legislature at his earliest convenience.

BE IT FURTHER RESOLVED, That the Clerk of the House is directed to inform Senator Sparkman, by copy of this resolution, of our invitation and of our respectful request that we be notified when he is available to speak.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 102, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Killian:

H. J. R. 94. COMMENDING MR. F. D. "ROB" ROBINSON FOR MERITORIOUS SERVICE.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 94, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Riddick:

H. J. R. 103. COMMENDING THE GEORGE C. MARSHALL SPACE FLIGHT FOR ITS NOTABLE ACHIEVEMENTS IN THE FURTHERANCE OF OUR NATION'S SPACE PROGRAM.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 103, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mrs. Quarles:

H. J. R. 104. EXTENDING AN INVITATION TO MR. BURT REYNOLDS AND MISS SALLY FIELD TO ADDRESS THE ALABAMA LEGISLATURE.

WHEREAS, the Legislature of Alabama has learned with pleasure that Mr. Burt Reynolds and Miss Sally Field are presently in Alabama for the filming of a movie in Tuscaloosa; and

WHEREAS, Mr. Reynolds and Miss Field are motion picture, stage and television stars of worldwide fame; Mr. Reynolds was born in Georgia, a native Southerner, and as such shares with us a heritage that is steeped in tradition and pride of our native Southland, and Miss Field is a Californian by birth who has brought much credit to her native state; and

WHEREAS, we are pleased and proud indeed that they, at least for a while, will be visiting in Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we extend a most cordial invitation to Mr. Burt Reynolds and Miss Sally Field to address the Alabama Legislature at their earliest convenience.

BE IT FURTHER RESOLVED, That they be notified, by copy of this resolution, of our invitation and that we hopefully await their acceptance.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 104, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Drake:

H. J. R. 107. TO OPPOSE THE ABOLITION OF THE NATIONAL FIRE ACADEMY AND THE NATIONAL FIRE PROTECTION & CONTROL ADMINISTRATION.

WHEREAS, there is a move in Congress to abolish the National Fire Academy and the National Fire Prevention and Control Administration, and

WHEREAS, the National Fire Academy and the National Fire Prevention & Control Administration, through its training and education programs, will be very instrumental in reducing fire loss throughout the United States, and

WHEREAS, this proposed action will greatly affect the people of Alabama

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, That this body go on record as opposing the abolition of the National Fire Academy and the National Fire Prevention & Control Administration and urging Congress to restore the funding of these agencies.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 107, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 356. To name the Life Science and Student Services Building of the University of Alabama in Birmingham for Dr. George W. Campbell, upon the recommendation of the University of Alabama Board of Trustees.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 357. RELATIVE TO ADJOURNMENT OF THE TWO HOUSES.

JOHN W. PEMBERTON,
Clerk.

RESOLUTIONS

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 362. RESOLVED BY THE SENATE, That the following bills shall be the paramount and continuing order of business, immediately upon adoption of this resolution for the 9th Legislative Day and for each legislative day thereafter until disposed of: Uncontested Local bills, and

Bill No.	Page No.	Description
S. 21	15	Public Utilities—notice
S. 22	16	Public Utilities—rate base
S. 23	16	Public Utilities—refunds
S. 24	17	Public Utilities—telephone companies
S. 26	17	Public utilities—appeals
S. 25	17	Public Utilities—Competitive bid
S. 27	18	Public Utilities—fuel adjustment
S. 479	Supp. 3	Public Utilities—abolish PSC, etc.

Mr. St. John offered the following substitute for the Resolution, S. R. 362, to-wit:

SUBSTITUTE FOR S. R. 362

RESOLVED BY THE SENATE, That the following bills shall be the paramount and continuing order of business, immediately upon adoption of this resolution for the 9th Legislative Day and for each legislative day thereafter until disposed of: Uncontested Local bills, and

Bill No.	Page No.	Description
S. 324	44	Amend Criminal Code
S. 21	15	Public Utilities—notice
S. 22	16	Public Utilities—rate base
S. 23	16	Public Utilities—refunds
S. 24	17	Public Utilities—telephone companies
S. 26	17	Public Utilities—appeals
S. 25	17	Public Utilities—Competitive bid
S. 27	18	Public Utilities—fuel adjustment
S. 479	Supp. 3	Public Utilities—abolish PSC, etc.

Mr. King offered the following amendment to the St. John substitute for the Resolution, S. R. 362, to-wit:

AMENDMENT TO ST. JOHN SUBSTITUTE FOR S. R. 362

RESOLVED BY THE SENATE, That the following bills shall be the paramount and continuing order of business, immediately upon adoption of this resolution for the 9th Legislative Day and for each legislative day thereafter until disposed of: Uncontested Local bills, and

Bill No.	Page No.	Description
S. B. 81	27	Education
S. B. 324	44	Criminal Code
S. 21	15	Public Utilities—notice
S. 22	16	Public Utilities—rate base
S. 23	16	Public Utilities—refunds
S. 24	17	Public Utilities—telephone companies
S. 26	17	Public Utilities—appeals
S. 25	17	Public Utilities—Competitive bid
S. 27	18	Public Utilities—fuel adjustment
S. 479	Supp. 3	Public Utilities—abolish PSC, etc.

On motion of Mr. Clemon, the substitute offered by Mr. St. John and the pending King amendment were laid on the table.

Yeas 26; Nays 5.

Abstaining 1.

Yeas:

Messrs. Adams, Bank, Clemon, Ellis, Goodwin, Higginbotham, Jones, Little, McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, Shelby, Stewart, Teague, Waldrop.

—26

Nays:

Messrs. Baker, Edwards, Fine, King, McDonald (A).

—5

Abstaining: Mr. Wilson.

—1

And said Resolution, S. R. 362, was then adopted by the Senate.

Mr. Fine offered the following Senate Joint Resolution, to-wit:

S. J. R. 363. RELATIVE TO BINDING LEGISLATIVE JOURNALS TOGETHER

BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, That the printed Journals of both Houses for the First and Second Special Session of 1977 be bound together in one volume.

On motion of Mr. Fine, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Fine, Peden, and King offered the following Senate Joint Resolution, to-wit:

S. J. R. 364. LAMENTING THE PLIGHT OF THE AMERICAN FARMER AND CALLING FOR SPECIFIC REMEDIAL MEASURES ON THE PART OF CONGRESS, THE PRESIDENT AND HIS ADMINISTRATION

WHEREAS, the Legislature of Alabama is supportive and conscientiously aware of the present crises facing the majority of the farmers in the State of Alabama and, indeed, the entire nation; and

WHEREAS, the time for immediate action is upon us; corrective measures must be taken now, and long-range plans initiated, to alleviate the deplorable economic plight of our farmers if they are to continue meeting our country's agricultural needs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the members of the Alabama Legislature hereby call upon President Jimmy Carter, Secretary of the Department of Agriculture, Robert Bergland, and the Congress of the United States to take appropriate action immediately to provide for the following: 100% parity by law for all agricultural commodities, and for all foreign farm exports; that all food reserves, either national or international, be contracted at 100% parity; that imports of meats and livestock be halted, unless at 100% parity price; and further, for the structuring of a board within the Depart-

ment of Agriculture to be comprised of agricultural producers to assist the government in determining farm "Policies and Prices."

BE IT FURTHER RESOLVED, That copies of this resolution be sent, immediately upon passage of same, to President Carter, Secretary Bergland and to all members of the Alabama Congressional Delegation in Washington, D. C.

Which was read and referred to the Standing Committee on Rules.

Mr. Bank offered the following Senate Joint Resolution, to-wit:

S. J. R. 365. HONORING SENATOR LISTER HILL, DISTINGUISHED ALABAMIAN AND MEMBER OF THE UNITED STATES CONGRESS FOR 46 YEARS.

WHEREAS, Joseph Lister Hill, a native of Montgomery, Alabama, born December 29, 1894, son of Dr. Luther Leonidas and Lilly Lyon Hill, received his preparatory education in the Starke University School in Montgomery, entered the University of Alabama at the age of 16 and was graduated in four years with both academic and law degrees and as a member of Phi Beta Kappa; he also graduated in law at Columbia University and has been awarded honorary LL.D. Degrees from six colleges and universities and the Doctor of Science, honorary, from both Hahnemann Medical College of Philadelphia and New York Medical College; and

WHEREAS, Senator Hill began law practice in Montgomery in 1916 and was elected President of the Montgomery Board of Education at the age of 22, the youngest school board president in the United States; he also served honorably and with distinction with the 17th U. S. Infantry, 71st U. S. Infantry Regiments and the Lafayette Division during World War I, resuming the practice of law following his military service; and

WHEREAS, in 1923, at the age of 27, Lister Hill was elected to Congress from the second Alabama District, was renominated and re-elected seven times without opposition, and served until he was appointed to the United States Senate in January, 1938, to fill the vacancy caused by the resignation of Senator Hugo Black; he won election in April of 1938 and was re-elected four times, serving until his retirement in 1969; and

WHEREAS, he was Majority Whip in the Senate during the 77th through the 79th Congresses, served as a member and as chairman of many important committees and was the author of such legislation landmarks as the TVA Act, the Rural Telephone Act, the Vocational Education Act, the G. I. Bill of Rights for World War II and Korean Veterans, the Rural Library Services Act and many others, as well as co-author of the National Defense Education Act of 1958; and

WHEREAS, with major legislation to his credit in many areas, Senator Hill is primarily known as this country's foremost advocate of better health care and has often been called the Senate's "Statesman for Health"; he was sponsor or co-sponsor of more than a dozen bills or amendments relating to health care with the Hill-Burton Hospital Construction Act the most widely known, and, as a result our nation's most important advances in health science must be directly attributed to Senator Hill's influential efforts in Congress; and

WHEREAS, he is the recipient of innumerable awards and honors including membership in Alabama's prestigious Academy of Honor; he also is a

Methodist, 32nd Degree Scottish Rite and Knight Templar Mason, Knight of Pythias, Woodman of the World and Praetorian; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Senator Lister Hill on his illustrious Congressional career; we are grateful and indebted for his service to the citizens of our state and nation, and are inordinately proud that this great American is first of all a great Alabamian.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to the Honorable Lister Hill as but a small token of our appreciation and esteem.

Which was read and referred to the Standing Committee on Rules.

Messrs. Noonan, Owen, Perloff, Roberts and Vacca offered the following Senate Joint Resolution, to-wit:

S. J. R. 366. URGING THE APPOINTMENT OF MRS. ANN CALAGAZ TO THE NATIONAL HIGHWAY SAFETY ADVISORY COMMITTEE.

WHEREAS, Mrs. Ann Calagaz has made outstanding contributions to the State of Alabama in the areas of bicycle and highway safety; and

WHEREAS, Mrs. Calagaz has received both Mobile and Alabama Physical Fitness Leadership Awards for her work in bicycling; and

WHEREAS, Mrs. Calagaz serves on the Governor's Highway and Traffic Safety Advisory Committee; and

WHEREAS, Mrs. Calagaz has represented our state both regionally and nationally at conferences on bicycle and highway safety;

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body does hereby endorse the nomination of Mrs. Ann Calagaz and recommends her appointment by the President of the United States of America to the National Highway Safety Advisory Committee.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to President Jimmy Carter and to Mrs. Ann Calagaz.

Which was read and referred to the Standing Committee on Rules.

Mr. Edwards offered the following Senate Joint Resolution, to-wit:

S. J. R. 367. MOURNING THE DEATH OF MR. SAM H. WHEAT.

WHEREAS, it is with a sense of deep regret that the Alabama Legislature notes the death of Mr. Sam H. Wheat in Decatur, Alabama, on January 13, 1978, at the age of 81; and

WHEREAS, Mr. Wheat was a prominent Decatur civic leader and was president of Citizens Industrial Bank, a position he had held for the past 33 years; and

WHEREAS, he was a longtime member of the Decatur Lions Club, member and past commander of American Legion Post 15, a Mason and a lifelong member of the United Methodist Church; and

WHEREAS, Sam Wheat was a much admired and greatly respected member of his community and of his area of our state; he was a man of integrity and dignity, loyal to his friends, devoted to his family and dedicated in his sense of duty and responsibility to others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn and deeply regret the death of Sam H. Wheat of Decatur, Morgan County, Alabama; we extend our heartfelt sympathy to his wife, Mrs. Fay Wheat, and to their daughter, Mrs. Thomas G. Barksdale of Vicksburg, Mississippi, and direct that they receive copies of this resolution that they may know of our concern for them in their great loss.

On motion of Mr. Edwards, the Rules were suspended and the Resolution was adopted by the Senate.

REPORTS OF COMMITTEES

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Gafford:

H. 128. To comply with the Omnibus Crime Control and Safe Streets Act of 1968, (PL 90-351), as amended and establishes the ALABAMA LAW ENFORCEMENT PLANNING AGENCY.

By Mr. Noonan:

S. 212. To amend Section 40-18-15, Code of Alabama 1975, to allow as a deduction contributions made by individuals for themselves and others under a stock bonus, pension, profit-sharing or annuity plan which constitutes a qualified plan, and for themselves, or spouse, to an individual retirement account, annuity or bond; to further amend Section 40-18-25, Code of Alabama 1975, to exempt from taxation the income (including capital gains) of certain employee benefit trusts forming part of a stock bonus, pension, or profit-sharing plan which constitutes a qualified trust and of individual retirement income trusts and custodial accounts, and to provide for the "rollover" of distributions from such trusts and accounts; to amend Section 40-18-35, Code of Alabama 1975, to allow as a deduction contributions made by corporations (including professional corporations and professional associations) under a stock bonus, pension, profit-sharing or annuity plan which constitutes a qualified plan; all as provided by the Internal Revenue Code of 1954 as amended and in force and effect on January 1, 1977 and for all taxable years of such individuals, trusts, accounts, and corporations beginning on and after the effective date of this Act to the extent such deductions, exemptions and "rollovers" are permitted by the Federal Income Tax Law as so amended.

By Mr. Noonan:

S. 214. To appropriate the sum of One Million Seven Hundred Seventy-three Thousand Dollars (\$1,773,000.00), or so much thereof as may be necessary, from the general fund of the state to the Department of Conservation and Natural Resources, Division of State Parks, Monuments and Historical Sites, for the purpose of acquiring, by purchase or condemnation, approximately eight and one-half (8-1/2) miles constituting the westernmost part of Dauphin Island, Mobile County, Alabama; to authorize the use of any

available federal matching funds for the purchase of said property; and to further provide that after the purchase of said property by the state, the property may only be used in a dual capacity, one portion as a public beach and park, and a second portion as an undeveloped, natural fishing, camping and hiking area.

By Mr. Noonan:

S. 229. To amend further Section 3 of Act No. 96, H. 17, First Special Session 1971 (Acts 1971, p. 166), which levies and regulates a privilege tax against persons engaged in the business of leasing or renting tangible personal property, so as to further provide for exemptions from the computation of the amount of the tax levied.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendment, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Noonan (With Amendment):

S. 365. To amend Code of Alabama 1975, Section 40-7-64 providing for maintenance of property values and ownership maps in each county after completion of the statewide reappraisal program; providing that the Department of Revenue establish such a program for uniformity of procedures and records; providing that field men involved in classifying property shall have one year experience in appraisal of real property; providing the method for payment of such maintenance appraisal and mapping program. Repeals laws in conflict with this Act.

By Messrs. McMillan and Owen (With Amendment):

S. 489. To amend extensively the "Sunset Act of 1976," Act No. 512, S. 128 of the 1976 Regular Session (Acts 1976, Vol. I, p. 640), to specifically amend the title and Sections 2, 3, 5, 6, 8, 9, 10, 11, 14 and 15 of said act, so as to further provide for the procedures for termination and review of any agency; to prescribe that each agency shall be reviewed at least every eight years and that termination for any agency shall be automatic unless both houses concur that it shall be continued, modified or re-established; to allow the committee flexibility in its recommendations pertaining to the agency reviewed; to add a twelfth member to the Sunset Committee and to prescribe that the governor's representative shall be non-voting; and to provide for an effective date.

By Messrs. Stewart and Teague (With Amendment):

S. 528. To amend Section 37-1-11, Code of Alabama 1975 which fixes the compensation of the President and the Associate Members of the Alabama Public Service Commission.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Gilmore:

S. 536. To amend Section 11-54-87 of the Code of Alabama of 1975 so as to provide that a municipal industrial development board may, subject to the other provisions of said Section 11-54-87, locate a project or part thereof

outside the corporate limits but within the police jurisdiction of another city or town in this state without the consent of the governing body of such other city or town if such project or part thereof to be located outside the corporate limits but within the police jurisdiction of such other city or town consists principally or solely of facilities for or useful in the control, reduction, abatement or prevention of pollution of air or water or both.

By Messrs. Fine, McDonald (A), Shelby, Gilmore, Mims, Adams, Owen, Peden and Powell:

S. 538. To exempt from ad valorem taxation all farm machinery.

Mr. Pearson, Chairman of the Standing Committee on Conservation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Ellis, Pearson and Mims:

S. 452. To amend Section 41-7-4, Code of Alabama, 1975, so as to permit intrastate advertising of state-owned parks by the bureau of publicity and information.

By Mr. Mims:

S. 322. To amend Section 33-5-22, Code of Alabama 1975, relating to certain safety equipment required on water vessels while operating in this state, so as to require that approved personal flotation devices must be worn by all passengers on board any water vessel while such vessel is in motion.

Mr. Mitchell, Chairman of the Standing Committee on Insurance, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Powell:

S. 109. To require that group, individual, or blanket hospital or medical expense insurance policies or hospital or medical service contracts issued for delivery in this State which include mental health services in the terms of the policies or contracts, shall include reimbursement for services rendered by a duly qualified psychologist of this State notwithstanding any provisions of the policies or contracts to the contrary.

By Mr. Mitchell:

S. 115. To provide that the State of Alabama shall carry and pay for certain liability insurance to indemnify all state employees required to drive a vehicle as part of their employment.

By Mr. Mitchell:

S. 464. To amend Section 536, Act 407, 1971 Regular Session, now codified as Section 27-27-40, Code of Alabama, 1975, to provide that loans payable from an insurer's surplus shall only be made for cash or negotiable municipal, state, or federal bonds and shall not be made for the acquisition of real estate or other purposes; and to provide a definition of such loans.

By Mr. Edwards:

S. 332. To amend Section 27-8-23 of the Code of Alabama, 1975 so as to

regulate further the issuance or the delivery of insurance contracts through the arrangements or facilities of a credit card facility or organization or through credit facilities of a retail merchandise establishment or department store.

Mr. Gilmore, Chairman of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. St. John:

S. 240. To amend Section 32-9-20, Code of Alabama 1975 which section regulates the size of motor vehicles allowed to travel on the public highways of this state, so as to further regulate the size of certain motor vehicles and to allow certain bulldozers to move along the highways.

By Mr. Fine:

S. 487. To regulate the practice of design, construction, or installation of heating and air conditioning equipment, and roofing and sheet metal; to create a regulatory board for such purpose; to provide for the officers, membership, duties, authority, meetings and terms of the board; to vest rule-making and examining authority and the power to levy fines in the board; to provide for certification fees and their disposition; to require contractors in the regulated trades to be certified and bonded; to exempt certain persons from certain provisions hereof; and to provide penalties for violation of this act.

Mr. Jones, Chairman of the Standing Committee on State Government, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Owen:

S. 48. To change the name of the Alabama Public Library Service to the Alabama State Library, and to provide that the director shall be known as the state librarian; for this purpose amending Section 41-8-1 through Section 41-8-7 of the Code of Alabama 1975.

By Messrs. Johnson and Lee:

H. 384. To name the building now under construction at Shelton State Technical College in Tuscaloosa, Tuscaloosa County, Alabama, the "Victor Poole Learning Resources Center."

By Mr. Owen:

S. 199. To amend Sections 41-9-349 and 41-9-357 of the Code of Alabama, 1975, which sections relate to the powers and duties of the USS Alabama battleship commission and the battleship fund, so as to authorize the commission, in its discretion, to hold and conduct meetings and activities of a promotional and social nature in order to operate, maintain and further effect the purposes of the memorial and exhibit and of the commission.

Mr. Baker, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following

bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Fine:

S. 256. Amending further Act No. 494, S. 927 of the 1971 Regular Session, as amended, (Acts 1971, Vol. II, p. 1207), relating to the issuance of pistol permits by the sheriffs in all counties having populations of not less than 23,900 nor more than 24,450 inhabitants according to the 1970 or any subsequent federal decennial census, so as to increase the fee and provide further for the distribution and use of such fees.

By Mr. Baker:

S. 298. To provide for the compensation of certain district attorneys in this state; to provide for a certain county salary supplement in lieu of present expense allowances and supplements for such district attorneys.

By Mr. Teague (with notice and proof):

S. 491. To authorize, provide for and regulate the establishment and operation of a pension and retirement system for employees of the City of Childersburg and certain municipal boards of such city; to authorize and provide for the establishment of the Childersburg Employees Pension Trust Fund, provide for the composition, management and administration of such trust funds; and to authorize, provide for and regulate the payments of benefits under the system.

SPECIAL ORDER BILLS ON THIRD READING

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first item of which was the Bill:

S. 331. To allow the District Attorney for the Fifteenth Judicial Circuit to initiate and conduct a pre-trial diversionary program within said circuit for first offenders who are charged or may be charged with certain nonviolent property related offenses, and to permit the District Attorney to bring legal proceedings against criminal defendants on behalf of victims of crime.

The Standing Committee on Local Legislation No. 1 reported the following substitute for the Bill, S. B. 331, to-wit:

COMMITTEE SUBSTITUTE FOR S. B. 331

A BILL TO BE ENTITLED AN ACT

To allow the District Attorney for the Fifteenth Judicial Circuit to initiate and conduct a pre-trial diversionary program within said circuit for first offenders who are charged or may be charged with certain non-violent property related offenses, and to permit the District Attorney to bring legal proceedings against criminal defendants on behalf of victims of crime.

Be It Enacted By The Legislature of Alabama:

SECTION 1. The following words or phrases when used in this Act shall mean:

a. **Diversiónary Screening.** The discretionary power of a District Attorney to suspend, prior to the indictment, all formal prosecutorial proceedings against one who has become involved in the criminal justice system as a defendant or an accused.

b. **Prosecutorial Discretion.** The power of the District Attorney, prior to indictment, to consider all circumstances of criminal proceedings and to determine whether any legal action is to be taken and if so taken, of what kind and degree and to what conclusion.

c. **Accusatory Instrument.** Any warrant of arrest, Information, or Grand Jury Indictment.

d. **Non-Criminal Disposition.** The dismissal of a criminal charge without prejudice to the State to reinstate criminal proceedings on motion of the District Attorney as herein provided.

e. **Pre-Prosecution or Pre-trial Diversion.** The imposition of conditions of behavior and conduct by the District Attorney upon defendants charged with certain criminal offenses for a specified period of time prior to the formal prosecution or indictment.

f. **Deferred Prosecution.** The suspension of prosecution prior to indictment for a specified period of time upon the request of the accused with the consent of the District Attorney.

SECTION 2. The District Attorney for the Fifteenth Judicial Circuit is specifically endowed with and shall retain all of his discretionary powers under the common law.

a. The District Attorney shall have the prosecutorial discretion as defined herein or any which he has under the common law, and may as a matter of such prosecutorial discretion establish a pre-trial or a pre-prosecution diversionary or deferred prosecution program in all courts within such circuit.

SECTION 3. The District Attorney may utilize such discretion to screen or divert such cases out of the criminal justice system when he feels that the advantages of such diversion, or pre-prosecution probation would outweigh the advantages of prosecution. Among the factors which may be considered by the District Attorney are:

- a. Undue hardship caused to the accused or the victim.
- b. Excessive costs of prosecution in relation to the offense.
- c. Possible deterrent value of prosecution.
- d. Aid to other prosecution goals through nonprosecution.
- e. The expressed wish of the victim not to prosecute or to prosecute.
- f. Age of the case and of the defendant.
- g. The seriousness of the crime and the effect upon the public sense of security and justice if the offender were to be treated without criminal conviction.
- h. Whether the offender or the victim has medical, psychiatric, family or vocational difficulties.

- i. Whether there is a reason to believe that the offender or the victim will benefit from and cooperate with a diversionary program.
- j. What the impact of criminal charges would be upon the victim, witnesses, the offender and their families.
- k. The economic advantages of restitution of loss to the victim.

SECTION 4. Presiding Judge of the Criminal Division of the 15th Judicial Circuit may appoint a Committee or Advisory Commission comprised of at least seven (7) citizens of counties within the said circuit which shall be known as the Citizens Advisory Commission on Prosecution. Such Committee or Commission shall serve at the pleasure of the appointing authority for such circuit, and shall make recommendations to the District Attorney concerning which defendants shall be eligible or shall not be eligible for pre-prosecution or pre-trial diversion based upon criteria established by the District Attorney and the committee, and upon its consideration of factors enumerated in Section 3.

Such Committee or Commission shall serve without personal profit, but may be paid from the District Attorney's fund for actual expenses incurred in connection with its duties.

At least one member shall be appointed by the recommendation of the Presiding Judge of such Circuit, and at least one member shall be appointed upon the recommendation of the Board of Directors of the Bar Association of the counties comprising such circuit.

SECTION 5. Prior to or upon the issuance of any accusatory instrument other than an indictment charging any defendant with an offense other than an offense enumerated in SECTION 7, the District Attorney may, in his discretion, upon the request of the defendant, withhold prosecution or presentment to the Grand Jury thereon. The District Attorney may then establish a pre-prosecution or pre-trial diversionary program for a specified period of time not to exceed the statute of limitations for the offense of which such defendant is charged.

SECTION 6. During that period the District Attorney may impose conditions upon the behavior and conduct of the defendant which assures the safety and well being of the community as well as that of the defendant.

Included among those conditions which may be imposed by the District Attorney, are as follows:

- a. Placing the person under the supervision of a designated person or organization or appointed agency agreeing to supervise him.
- b. Require absolute non-criminal behavior on the part of the defendant.
- c. Require that such defendant conduct himself in an honorable manner as a good member of the community, and not endanger in any way the person, property rights, dignity or morals of himself or others.
- d. Require that such defendant comply with all municipal, county, state and federal law, ordinances and orders.
- e. Requiring such defendant to promptly reply to any communication from the Office of the District Attorney, probation counselor or any other

representatives or person designated by the District Attorney or the probation department.

f. Requiring such defendant to submit written reports in accordance with the instructions of the District Attorney's Office or the probation department or such other written or oral reports as required of such defendant by the Office of the District Attorney or probation department.

g. And, further requiring such defendant to be absolutely truthful in such oral or written reports.

h. Requiring such defendant to make every effort to obtain and hold a legitimate job and cooperate with the District Attorney's Office in any effort which such office may make to obtain employment for such defendant.

i. Requiring such defendant to report a loss of employment to the District Attorney's Office or his probation counselor.

j. Requiring such defendant to give notice of such defendant's arrest on any charge to the District Attorney's Office or to his probation counselor.

k. Requiring such defendant to support such defendant's dependents, if any, and assume toward them all moral and legal obligations.

l. Requiring such defendant to pay restitution to the victim of this offense in an amount and upon such terms determined by the District Attorney.

SECTION 7. Persons charged with the following criminal conduct shall not be eligible for participation in any pre-prosecution diversionary program instituted under the provisions of this act.

1. Abduction and kidnapping
2. Arson
3. Blackmail
4. Bribery by or of a public official
5. Burglary in the first degree
6. Illegal use of Dynamite or other explosives in violation of Sections 13-2-60, 13-2-61, and 13-2-63, Code of Alabama of 1975
7. Escape
8. Homicides
9. Mayhem
10. Forcible sex crimes
11. Robbery
12. Sale of Controlled Substances
13. Lewd and Lascivious Acts upon a child
14. Violation of Public Officials Duty and Obligation
15. Introduction of Drugs into a Penal or correctional institution.
16. Capital offense or an offense which would have been a capital offense prior to the 29th day of June, 1972.

SECTION 8. Prior to the issuance of an indictment by a Grand Jury, the responsibility and authority for the decision to screen or divert cases, or to refuse to screen or divert particular cases, shall rest within the sole judgment and discretion of the District Attorney for such Circuit. After the issuance of an indictment, a criminal case shall not be diverted or screened without the express approval and concurrence of the Presiding Judge of such Circuit or a Circuit Court Judge designated by him for such purposes.

SECTION 9. Any defendant voluntarily participating in such a program shall have the right to:

1. Insist on criminal prosecution at any time the prosecution or the offense for which he is charged is pending, and to have a circuit court judge determine whether any pressure or coercion was applied to the defendant to accept non-criminal disposition.

2. The right of counsel of his choosing or if indigent, court appointed counsel during all phases of the diversionary or pre-prosecution probationary proceedings unless the right to counsel is knowingly and voluntarily waived by the accused.

SECTION 10. In conducting such a program, the District Attorney for such circuit shall have the right to:

1. Insist at any point upon the re-initiation of criminal proceedings, when, in his judgment, such action would be desirable.

2. The Services of available probation workers within the County comprising such circuit for investigation reports for the purposes of determining eligibility of persons for participation in the pretrial probation.

SECTION 11. After completion of the pre-prosecution or pre-trial diversionary period and the conditions imposed upon the defendant to the satisfaction of the District Attorney, defendants participating in such programs shall be entitled to a non-criminal disposition of the charges against him which may be done by the appropriate judge entering on a docket sheet, "Diverted and Dismissed."

Such non-criminal disposition may, in the discretion of the District Attorney be without prejudice to the State of Alabama for the reinstitution of criminal proceedings on the diverted criminal charges upon any subsequent criminal activity on the part of the accused.

SECTION 12. At the request of the defendant, the District Attorney for such circuit may file in the Circuit Courts of such circuit or elsewhere as necessary, petitions seeking the expunging or purging of all records against an accused for the diverted offense, provided, however, the accused has satisfactorily performed the conditions of his pre-prosecution probation, if any.

The Circuit Courts of such Circuit are hereby empowered to issue whatever process necessary to grant such petitions.

SECTION 13. The District Attorney for the Fifteenth Judicial Circuit may, in his discretion, bring in the name of the State of Alabama, civil suits in Law and Equity in the counties comprising such circuit and elsewhere as necessary, against criminal defendants to recover damages, restitution and/or injunctive relief on behalf of victims of crimes, frauds and nuisances occurring within such Circuit.

SECTION 14. The County Commissions or Boards of Revenue for such Circuit may in their discretion expend monies from the General Fund of the County for the payment of any or all of the costs of such program.

SECTION 15. The District Attorney for such Circuit may, in his discretion, use or expend monies from the District Attorney Fund for any or all of the costs of such program.

SECTION 16. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

SECTION 17. EFFECTIVE DATE. This Act shall become effective immediately upon its passage and approval by the Governor of the State of Alabama, or upon its otherwise becoming law.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Jones, Little, McMillan, Miller, Mitchell, Owen, Pearson, Peden, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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Nays:

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And said Bill, S. B. 331, as thus amended by the substitute, was then adopted by the Senate.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Jones, Little, McMillan, Miller, Mitchell, Owen, Pearson, Peden, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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Nays:

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The Bill:

S. 337. To amend Section 4 of Act No. 182, H. 439, Regular Session 1977, which act provides for the reidentification of registered voters of Chambers County so as to further provide for the compensation of the members of the board of registrars for attendance upon special sessions of the board.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Gilmore,

Higginbotham, Little, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perry, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Waldrop, Wilson.

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Nays:

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The Bill:

S. 346. Relating to Cullman County; providing for and regulating county purchasing and the custody and use of certain county property; divesting the highway department of certain county functions and duties in relation to roads and bridges in such county, heretofore transferred to it, and reverting such functions in the Cullman County governing body; providing for the construction, maintenance and repair of county roads on the unit basis; providing for the transfer of certain funds, equipment, material and personnel from the state highway department to the county governing body; providing for the payment of salaries of certain county employees; providing that this act shall become effective only upon approval at a referendum election.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0

Yeas:

Messrs. Baker, Bank, Clemon, Edwards, Ellis, Fine, Jones, King, Little, McMillan, Miller, Mims, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, St. John, Stewart, Teague, Vacca, Waldrop, Wilson.

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Nays:

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The Bill:

S. 379. Relating to Limestone County; to authorize the county commission to provide for clerical and secretarial assistance to the legislative delegation from such county.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Gilmore, Goodwin, Jones, King, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Powell, Proctor, Roberts, Teague, Vacca, Waldrop, Wilson.

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Nays:

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The Bill:

S. 381. Relating to Limestone County; further regulating the compensation for the board of registrars and the manner of payment therefor from the county general fund.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Edwards, Ellis, Fine, Higginbotham, Jones, King, McDonald (A), McMillan, Miller, Mims, Mitchell, Owen, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Wilson.

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Nays:

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The Bill:

S. 382. Relating to Limestone County, further providing for the days of meeting and the operation of the county board of registrars and the compensation therefor.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Bank, Ellis, Jones, King, McDonald (A), McMillan, Miller, Mims, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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Nays:

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The Bill:

S. 462. Relating to the City of Rainbow City, Etowah County, Alabama, providing for the election by popular vote of the members of the city board of education; prescribing the terms, qualifications and compensation, abolishing the existing city board of education and repealing all conflicting statutes.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Ellis, Fine, Goodwin, Jones, King, Little, McDonald (S), Miller, Mims, Mitchell, Noonan, Owen, Peden, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Waldrop.

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Nays:

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The Bill:

S. 463. To alter and rearrange the boundaries of the City of Rainbow City in Etowah County, so as to exclude certain territory from the corporate limits of the city.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Ellis, Fine, Jones, King, Little, McDonald (S), Miller, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Waldrop.

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Nays:

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The Bill:

S. 465. Relating to Crenshaw County, providing certain compensation to members of the county hospital board in lieu of expense reimbursements now payable to such persons, and repealing conflicting laws.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Jones, King, Little, McMillan, Miller, Mitchell, Owen, Pearson, Peden, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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Nays:

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The Bill:

S. 471. Relating to Crenshaw County; providing an additional expense allowance for the county coroner.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Jones, King, Little, McMillan, Miller, Mitchell, Owen, Pearson, Perloff, Powell, St. John, Shelby, Teague, Vacca, Waldrop, Wilson.

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Nays:

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The Bill:

S. 472. Relating to Limestone County; providing for the compensation and expense allowance of certain county officers.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Ellis, Fine, Gilmore, Jones, King, McDonald (A), McMillan, Miller, Mims, Noonan, Owen, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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Nays:

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The Bill:

S. 473. Relating to Limestone County; to provide for the compensation for the county superintendent of education and the county board of education.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Ellis, Fine, Goodwin, Jones, King, McDonald (A), Miller, Mims, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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The Bill:

H. 227. Relating to Marengo County; providing further for the Sheriff's Department in said county; providing further for the composition and compensation of deputies and other personnel.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Goodwin, Jones, King, Little, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Powell, Proctor, Roberts, St. John, Shelby, Waldrop, Wilson.

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Nays:

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The Bill:

H. 228. Relating to Marengo County; amending Section 4 of Act No. 547, H. 1272 of the 1977 Regular Session (Acts 1977, vol. 1, p. 731), which section relates to the wages of inmates on the county work release program, so as to bring the deduction for costs incident to the inmate's confinement in line with Act No. 637, H. 53 of the 1976 Regular Session (Acts 1976, Vol. II, p. 883).

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Goodwin, Jones, King, Little, Miller, Mims, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, Shelby, Stewart, Teague, Vacca, Wilson.

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Nays:

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The Bill:

H. 16. To further amend Section 11-6-2 of the Code of Alabama 1975 as last amended so as to add Pike County to the list of counties exempt from the requirement that the county engineer be a qualified land surveyor.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Jones, King, Little, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Proctor, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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Nays:

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The Bill:

H. 82. To regulate the compensation of the district attorney of the 12th judicial circuit; providing for a supplement to the salary of such district attorney payable by the counties composing the circuit.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Gilmore, Goodwin, Jones, King, Little, Miller, Mitchell, Owen, Pearson, Perry, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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Nays:

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MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Crowe:

H. J. R. 93. REQUESTING THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION TO ADOPT A STANDARDIZED VEHICLE IDENTIFICATION NUMBER AND REQUIRE THE DERIVATION OF THIS NUMBER TO BE STAMPED ON THE ENGINE AND TRANSMISSION OF MOTOR VEHICLES.

WHEREAS, There is a definite need for improved vehicle identification number systems to identify vehicles in areas such as registration, titling, inspection, vehicle theft, accident investigation, safety defect recall and to reduce errors in vehicle data collection and processing; and

WHEREAS, the National Highway Traffic Safety Administration has issued notice of proposed rule making concerning standardization of motor vehicle identification number systems; and

WHEREAS, the Vehicle Equipment Safety Commission developed and adopted Standard 15, a vehicle identification numbering system which specifies a fifteen digit, fixed length, fixed format VIN which contains a vehicle descriptor section particularly identifying a vehicle's make, car line, series, body, and engine type; and

WHEREAS, the California Department of Motor Vehicles and the Department of the California Highway Patrol worked with the Vehicle Equipment Safety Commission in developing Standard 15 and consider the VESC Standard 15 characteristics as essential for meeting the minimum requirements of motor vehicle administrators and law enforcement personnel to properly identify vehicles; and

WHEREAS, the State of California intends to establish a vehicle identification numbering system by 1980 if the National Highway Traffic Safety Administration does not adopt a National Standard; and

WHEREAS, the Legislature desires to aid in the protection of property by increasing security through identification; and

WHEREAS, an adequate uniform identification system would improve service and protection to the public; now, therefore

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, that the Legislature respectfully urge the National Highway Traffic Safety Administration to establish a vehicle identification numbering system by adoption of the existing Vehicle Equipment Safety Commission Standard 15 which specifies requirements for the design of a vehicle identification number system and also to require a derivative of the vehicle identification number to be stamped on the engine and transmission of motor vehicles; and

BE IT FURTHER RESOLVED, that the Secretary of the Senate and Clerk of the House transmit copies of this resolution to the National Highway Traffic Safety Administration, the Vehicle Equipment Safety Commission, the California Department of Motor Vehicles, the Department of the California Highway Patrol, and each foreign and domestic manufacturer of passenger vehicles, trucks, motorcycles, and trailers manufactured for sale in Alabama.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 93, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Gafford, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Langford, Lee, Leonard, Lockett, Lutz, McCluskey, McCorquodale, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sommer, Sparks, Starkey, Taylor, Thomas, Towns, Trammell, Tucker, Turnham, Venable, Waggoner, Ward, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

H. J. R. 389. MOURNING THE DEATH OF ALBERT BURTON BOUTWELL.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 389, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Morris:

H. J. R. 92. COMMENDING SENATOR JOHN SPARKMAN ON HIS DISTINGUISHED CAREER IN THE UNITED STATES CONGRESS.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 92, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Hill, Greer and Coburn:

H. 431. To authorize any town or city in the State of Alabama to plan, establish, develop, acquire, construct, enlarge, improve, maintain, equip, operate, regulate and protect any building, structure, land, leasehold estate, interest in land, right of way, equipment or instrumentality used or useful in connection with construction, equipping, development, maintenance or operation of any area or building for off-street parking of motor vehicles (defined as parking facilities), to finance the cost of parking facilities in whole or in part by the issuance of bonds, warrants, notes or other evidences of indebtedness maturing at such time or times as the Governing Body of the town or city may determine, not exceeding thirty years from their respective dates; to pledge to the payment thereof its full faith and credit and any tax, license or revenues which the town or city may then be authorized to pledge to the payment of bonded or other indebtedness; to lease or let parking facilities or any one or more of them to such tenant or tenants for such periods and for such compensation or rental and on such conditions as the governing body of the town or city may prescribe; to fix, establish, collect and alter parking fees, tolls, rents and other charges for the use of any parking facility; to make and enforce rules and regulations governing the use of any parking facilities owned or operated by the town or city and to execute such contracts and other instruments and to take such other action as the governing body of the town or city may deem necessary or convenient in connection with parking facilities.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 431. To the Committee on Local Government.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Drake (with notice and proof):

H. 160. To authorize and direct the Cullman County Commission to levy and provide for the collection of an additional tax on motor fuels, and to provide for distribution and use of the proceeds from the tax.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 160, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Messrs. Baker and Whatley (with notice and proof):

H. 312. Relating to Russell County; to further regulate voter registration; to provide for the suspension of the voter's registration and rights when a registered voter fails to vote in at least one election for which he was eligible, held during the preceding four (4) years; and to provide for the reidentification procedure for such person.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 312, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Mr. Morris (with notice and proof):

H. 242. To alter, rearrange and extend the boundary lines and corporate limits of Dadeville, Alabama.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 242, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Messrs. Smith (M), Ward and Turnham (with notice and proof):

H. 313. To amend Section 4 of Act No. 182, H. 439, Regular Session 1977, which act provides for the reidentification of registered voters of Chambers County so as to further provide for the compensation of the members of the board of registrars for attendance upon special sessions of the board.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 313, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Mr. McNees (with notice and proof):

H. 300. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Fayette, in Fayette County, Alabama.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 300, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Messrs. Smith (M), Ward and Turnham:

H. 317. To amend Section 2 of Act No. 50, H. 91 of the 1977 First

Special Session (Acts of 1977, p. 1472) entitled, "An Act Relating to all counties having a population of not less than 35,000 nor more than 38,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide additional compensation for the members of the county commission," so as to provide that the additional compensation be paid out of any county fund or funds, including the road and bridge fund.

Also:

By Mr. Shelton (with notice and proof):

H. 381. Relating to the city of Jacksonville in Calhoun County; to provide for the election by popular vote of members of the city board of education, to prescribe their terms, qualifications and compensation, and to abolish the existing board of education in such city.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 381, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Mr. Campbell (with notice and proof):

H. 413. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Toxey in Choctaw County.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 413, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Messrs. Dial, Shoemaker, McCluskey and Moore (O) (with notice and proof):

H. 318. To extend, alter and rearrange the boundary lines and corporate limits of the Town of Lincoln, Talladega County, Alabama.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 318, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Messrs. Smith (M), Dial, Morris and Turnham:

H. 351. To name the science-fine arts building at Southern Union State Junior College in honor of A. R. Van Cleave.

Also:

By Messrs. Smith (M), Dial, Morris and Turnham:

H. 352. To name the auditorium at Southern Union State Junior Col-

lege in Wadley, Randolph County, Alabama, "The Tom Brazeal Auditorium."

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 160, 312, 242, 313, 300, 317, 381, 413, and 318. To the Committee on Local Legislation No. 1.

H. B.'s 351 and 352. To the Committee on State Government.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Baker and Whatley (with notice and proof):

H. 353. Relating to Russell County; amending Section 1 of Act No. 925, H. 1333, 1969 Regular Session (Acts of 1969, p. 1663), so as to include in the taxing and collection of law library fees court costs in cases docketed in the district court.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 353, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Messrs. Hill, Greer and Coburn (with notice and proof):

H. 316. Relating to the City of Florence in Lauderdale County; waiving certain city taxes on certain annexed farm land.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 316, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 353 and 316. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Sonnier:

H. 356. To require that all drugs and prescriptions dispensed have a label conspicuously bearing either the trade name or generic name; to provide definitions, exceptions hereunder, and penalties for violations; and to authorize the Alabama state board of pharmacy to establish, prescribe, and promulgate standards, rules, and regulations, as necessary, to administer and effect the provisions of this Act.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 356. To the Committee on Health and Welfare.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Killian (with notice and proof):

H. 218. Providing for the establishment of a merit system for the Sheriff's Department of DeKalb County, Alabama, and a Merit System Board governing the removal and official conduct of employees of such department; defining violations of the act; imposing penalties for violations; and repealing conflicting laws.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 218, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 218. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. McCulley (with notice and proof):

H. 104. Relating to Washington County; giving the county governing

body certain powers in regard to constructing and maintaining and repairing certain roads and rights-of-way leading to private dwellings.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 104, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Mr. McCulley:

H. 105. To amend further Section 1 of Act No. 387, H. 969, Regular Session 1969 (Acts 1969, p. 764), as amended by Act No. 298, H. 720, Regular Session 1971 (Acts 1971, p. 602), which act provides for the issuance of pistol permits in certain counties classified on a population basis; so as to increase the cost of said pistol permits.

Also:

By Messrs. Carter and Moore (W) (with notice and proof):

H. 113. Relating to Limestone County; to authorize the county commission to expend public funds for the operation, maintenance and expenses of volunteer fire departments in the county.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 113, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Messrs. Carter and Moore (W) (with notice and proof):

H. 115. To authorize the charging of a "convenience fee" in the amount of 25 cents on the sale of any hunting or fishing license sold in Limestone County by any special agent who sells hunting or fishing licenses in the City of Athens under authority granted pursuant to the provisions of article 2 of chapter 11 of title 9 of the Code of Alabama, 1975; prescribing penalties for the violation of the provisions of this act.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 115, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Mr. Drake (with notice and proof):

H. 159. Relating to Cullman County; to provide that the county governing body of said county shall pay over the proceeds from coal severance taxes collected pursuant to the provisions of Act 598, H. 643, 1977 Regular Session of the Legislature, to the state highway department for the paving and resurfacing of county roads in Cullman County.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 159, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.
JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 104, 105, 113, 115, and 159. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. McCulley (with notice and proof):

H. 432. Relating to Washington County; to create and establish the Washington County Personnel Board; to prescribe the duties, terms and compensation of the members of said board and to require such board to establish a county-wide personnel and merit system under the supervision of the State Personnel Department with any costs thereof to be paid from any funds available in the county treasury.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 432, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Messrs. Goodwin and Coburn (with notice and proof):

H. 364. Relating to Colbert County; amending Section 20 of Act No. 131, H. 333, 1949 Regular Session (Acts of 1949, p. 157) so as to change the meeting dates of the county commission.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 364, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Messrs. Crawford, Whatley and Sasser (with notice and proof):

H. 424. To alter, rearrange, and extend the City Limits and Corporate Limits of the Municipality of Eufaula, in Barbour County, Alabama.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 424, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Messrs. Turnham and Ward:

H. 387. To provide a county salary supplement for the circuit judges of the thirty-seventh judicial circuit to be paid by the county composing said circuit, to require certain contributions of said judges who participate in the county retirement system, and to repeal conflicting laws.

Also:

By Mr. Robertson:

H. 87. To increase the probate judges' and license commissioners' fee for issuing motor vehicle licenses.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 432, 364, 424, and 387. To the Committee on Local Legislation No. 1.

H. B. 87. To the Committee on Finance and Taxation.

UNFINISHED BUSINESS

BILLS ON THIRD READING

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 205. To authorize Alabama Public School and College Authority to sell and issue two hundred million dollars (\$200,000,000) aggregate principal amount of additional bonds for capital improvements for public educational purposes including libraries, laboratories and facilities for athletics, recreation and physical education, and research facilities, including the acquisition of land, including colleges and universities, vocational-technical institutes, junior colleges, elementary-secondary school systems and special schools; to provide for details of the said bonds and for the public sale thereof; to make an appropriation and pledge for payment of the principal of and interest on the bonds of proceeds from specified excise taxes to the extent necessary to pay the said principal and interest at their respective maturities; to authorize the Authority to pledge for payment of the principal of and interest on the bonds the moneys so appropriated and pledged; to provide that the bonds shall be limited obligations of the Authority payable solely out of the funds so appropriated and pledged and will not create a debt or obligation of the state; to provide that the bonds and the income therefrom shall be exempt from taxation in this state and the bonds may be used to secure deposits of funds of this state and its political subdivisions, instrumentalities and agencies, and for investment of fiduciary funds; to authorize the issuance by the Authority of refunding bonds for the purpose of refunding the principal of any then outstanding bonds theretofore issued by either the

Authority or Alabama Education Authority or both, and the expenses of such refunding and any premiums necessary to retire those so refunded; to provide that after payment of the expenses of the issuance of the bonds the proceeds from the sale thereof shall be disbursed on orders or warrants issued by or under the direction of the Authority for purposes for which they are authorized to be issued; and to provide that if any portion of this Act should be held invalid such holding shall not affect the validity of any other portion thereof.

The question was on the amendment offered by Mr. Waldrop (which said amendment is set out in the Journal of the Senate on the Seventh Legislative Day) to the Committee substitute, as amended, for the Bill, S. B. 205.

REPORT FROM RULES

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 364. LAMENTING THE PLIGHT OF THE AMERICAN FARMER AND CALLING FOR SPECIFIC REMEDIAL MEASURES ON THE PART OF CONGRESS, THE PRESIDENT AND HIS ADMINISTRATION.

On motion of Mr. Perry, said Resolution was then adopted by the Senate.

By unanimous consent, the names of all the remaining Senators were added as co-sponsors of the above Resolution.

FURTHER CONSIDERATION OF S. B. 205

The Senate proceeded to further consideration of the Bill, S. B. 205.

The question was on the amendment offered by Mr. Waldrop.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 36. A RESOLUTION HONORING THE MEMORY OF EARL CLAYTON PIPPIN.

Also:

H. J. R. 60. COMMENDING THE UNIVERSITY OF MONTEVALLO ON ITS MISSIONS AND GOALS STUDY TO PROVIDE LONG/RANGE POLICY DIRECTION.

Also:

H. J. R. 61. COMMENDING MR. J. D. "JIMMY" BELL, PROMINENT CLANTON, ALABAMA BUSINESSMAN.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

FURTHER CONSIDERATION OF S. B. 205

The Senate proceeded to further consideration of the Bill, S. B. 205.

The question was on the amendment offered by Mr. Waldrop.

Mr. Perry moved that further consideration of the Bill, S. B. 205, and pending amendments, be postponed until the Twentieth Legislative Day.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Cates:

H. J. R. 392. NAMING THE BRIDGE ON U. S. HIGHWAY 10 OVER FOSTER'S BRANCH IN COMMEMORATION OF GLENN MOODY.

WHEREAS, the late Glenn Moody was a beloved and prominent citizen of Butler County having been a long-time civic, political and business leader in his community and that area of our state; and

WHEREAS, Glenn Moody, who at the time of his death was serving as sheriff of Butler County, was both admired and respected for his leadership and for his sensitivity to the needs of his fellow citizens; he has indeed been deeply and sorely missed by all those who were privileged to know him; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in memory of the late Sheriff Glenn Moody of Butler County, we hereby name and designate the bridge on U. S. Highway 10 which crosses Foster's Branch near mile post 134 just east of the intersection of I-65 and U. S. Highway 10, the "Glenn Moody Bridge."

BE IT FURTHER RESOLVED, That the proper authorities are hereby authorized and directed to erect and maintain appropriate metal signs and markers so designating said bridge as the "Glenn Moody Bridge."

RESOLVED FURTHER, That a copy of this resolution be sent to Mrs. Glenn Moody of Greenville, Butler County, Alabama, as a token of this commemorative designation honoring her late husband.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 392, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Langford, Lee, Leonard, Lockett, Lutz, McCluskey, McCorquodale, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Thomas, Towns, Trammell, Tucker, Turnham, Venable, Waggoner, Ward, Warren, Weeks, Whatley, White, Williams, Wyatt and Younce.

H. J. R. 390. LAMENTING THE PLIGHT OF THE AMERICAN FARMER AND CALLING FOR SPECIFIC REMEDIAL MEASURES ON THE PART OF CONGRESS, THE PRESIDENT AND HIS ADMINISTRATION.

WHEREAS, the Legislature of Alabama is supportive and conscientiously, aware of the present crises facing the majority of the farmers in the State of Alabama and, indeed, the entire nation; and

WHEREAS, the time for immediate action is upon us; corrective measures must be taken now, and long-range plans initiated, to alleviate the deplorable economic plight of our farmers if they are to continue meeting our country's agricultural needs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the members of the Alabama Legislature hereby call upon President Jimmy Carter, Secretary of the Department of Agriculture, Robert Bergland, and the Congress of the United States to take appropriate action immediately to provide for the following: 100% parity by law for all agricultural commodities, and for all foreign farm exports; that all food reserves, either national or international, be contracted at 100% parity; that imports of meats and livestock be halted, unless at 100% parity price; and further, for the structuring of a board within the Department of Agriculture to be comprised of agricultural producers to assist the government in determining farm "Policies and Prices."

BE IT FURTHER RESOLVED, That copies of this resolution be sent, immediately upon passage of same, to President Carter, Secretary Bergland and to all members of the Alabama Congressional Delegation in Washington, D.C.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 390, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 16. To further amend Section 11-6-2 of the Code of Alabama 1975 as last amended so as to add Pike County to the list of counties exempt from the requirement that the county engineer be a qualified land surveyor.

Also:

H. 82. To regulate further the compensation of the district attorney of the 12th judicial circuit; providing for a supplement to the salary of such district attorney payable by the counties composing the circuit.

Also:

H. 227. Relating to Marengo County; providing further for the Sheriff's Department in said county; providing further for the composition and compensation of deputies and other personnel.

Also:

H. 228. Relating to Marengo County; amending Section 4 of Act No. 547, H. 1272 of the 1977 Regular Session (Acts 1977, vol. 1, p. 731), which section relates to the wages of inmates on the county work release program, so as to bring the deduction for costs incident to the inmate's confinement in line with Act No. 637, H. 53 of the 1976 Regular Session (Acts 1976, Vol. II, p. 883).

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

FURTHER CONSIDERATION OF S. B. 205

The Senate proceeded to further consideration of the Bill, S. B. 205.

The question was on the motion to postpone said Bill until the Twentieth Legislative Day.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Martin, Roberts, Cross and Drake (with notice and proof):

H. 547. Relating to Morgan County; to permit banks now or hereafter situated in Morgan County to establish, maintain or operate branch banks and branch offices within the corporate limits of Trinity, Alabama for the conduct of a general banking and trust business; and to repeal conflicting laws.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 547, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Messrs. Martin, Roberts, Cross and Drake (with notice and proof):

H. 548. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Decatur in Morgan County.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 548, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 547 and 548. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Venable:

H. J. R. 397. DESIGNATING THE TENTH ANNUAL MILLBROOK FESTIVAL, TO BE HELD MAY 20, 1978, THE OFFICIAL MONTGOMERY AREA ARMED FORCES DAY CELEBRATION.

WHEREAS, since 1969, the citizens of the Tri-Community area of Millbrook, Robinson Springs and Coosada have come together annually at the Millbrook Festival to honor the United States Armed Forces; and

WHEREAS, the Millbrook Festival was formed for the purpose of: honoring the members of the United States Armed Forces who have made so many sacrifices so that all our citizens may enjoy today's freedoms; developing and maintaining good public relations and fellowship within the community; raising funds to meet local civic needs, particularly for the volunteer fire department and recreational areas; promoting the advantages of this picturesque community which sits amid rolling hills, lush plains and fertile soil;

and fostering among its residents a genuine appreciation of their community and its rich cultural heritage; and

WHEREAS, the Millbrook Festival is under the guidance of seven directors of the board and the Millbrook Festival Committee comprised of over twenty participating civic groups, all of whom have been an inspiration exhibiting an enthusiastic community spirit and pride, dedicated to the betterment and progress of their citizens; and

WHEREAS, the tenth annual Millbrook Festival will be held May 20, 1978 to honor the Montgomery area members of the United States Armed Forces; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do commend all those participants of the Millbrook Festival of their true community spirit and we do designate the Tenth Annual Millbrook Festival Armed Forces Day Celebration, to be held on May 20, 1978, as the official Montgomery Area Armed Forces Day Celebration.

BE IT FURTHER RESOLVED, That we do urge all citizens of the Montgomery area to support this worthwhile celebration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 397, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Biddle, III, Gafford, Waggoner, and Falkenburg:

H. J. R. 393. HONORING CORNELIUS W. LOWRY UPON HIS RETIREMENT.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 393, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

RESOLUTIONS

Messrs. Vacca, Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Waldrop and Wilson offered the following Senate Joint Resolution, to-wit:

S. J. R. 368. MOURNING THE DEATH OF ALBERT BURTON BOUTWELL.

WHEREAS, the State of Alabama has suffered a great loss in the death of Albert Burton Boutwell on February 4, 1978, at the age of 73; he was a former State Senator, Lieutenant Governor of Alabama and Mayor of the City of Birmingham; and

WHEREAS, Albert Boutwell, a native Montgomerian, was a graduate of Greenville High School, and of the University of Alabama with a LL.B Degree awarded in 1928; while at the University, he was elected business manager of the Crimson and White student newspaper, served as president of several organizations including the Student Government Association, and was a member of both Sigma Delta Kappa and Alpha Phi Epsilon; and

WHEREAS, he practiced law in Birmingham from 1928 until 1946 at which time he was elected to the State Senate and was to serve for three consecutive terms, elected president pro tem during his second term and named by the press as the "hardest working" and "most effective" member; he was elected Lieutenant Governor of Alabama in 1958 serving for four years as presiding officer of this body, and in 1963 was elected Mayor of our state's largest metropolis and has been called one of the greatest mayors in American history; and

WHEREAS, Albert Burton Boutwell was prominent in the governmental and political affairs of our state for more than 20 years; in addition to his posts of public service, he served twice as a member of the State Democratic Executive Committee, was elected delegate-at-large to the National Democratic Convention in Chicago in 1944, and was State Finance Director for the Democratic Party in Alabama on two occasions; and

WHEREAS, he was an Elk, a Mason, served as president of the Birmingham Junior Chamber of Commerce for two terms, and was a member of the Methodist Church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply grieved by the death of our friend and former colleague, Albert Boutwell, and extend our sincere sympathy to his wife, Mrs. Helen Drake Boutwell, and to their children, Helen Boutwell Hannon, Albert Boutwell, Jr., and Drake Boutwell who also has served with us in the Alabama Legislature.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the Boutwell family as evidence of our shared sorrow in the loss of their husband and father.

On motion of Mr. Vacca, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. St. John, Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop and Wilson offered the following Senate Joint Resolution, to-wit:

S. J. R. 369. WISHING A SPEEDY RECOVERY TO FORMER GOVERNOR JAMES E. "BIG JIM" FOLSOM.

WHEREAS, Former Governor James E. "Big Jim" Folsom is a patient at University Hospital in Birmingham; and

WHEREAS, the Legislature holds "Big Jim" in great affection and esteem; and

WHEREAS, The Legislature of Alabama will long remember Governor Folsom's years in office and the great strides toward progress that he initiated; now, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That we do wish for former Governor James E. "Big Jim" Folsom a speedy and complete recovery from his illness.

BE IT FURTHER RESOLVED That a copy of this Resolution be sent to Governor Folsom at University Hospital in Birmingham.

On motion of Mr. St. John, the Rules were suspended and the Resolution was adopted by the Senate.

FURTHER CONSIDERATION OF S. B. 205

The Senate proceeded to further consideration of the Bill, S. B. 205.

The question was on the motion to postpone said Bill until the Twentieth Legislative Day.

MOTION TO ADJOURN LOST

At 1:10 P.M., Mr. Peden moved that the Senate adjourn until Tuesday, February 14, 1978, at 11 o'clock P.M.

Mr. Waldrop offered a substitute motion that the Senate adjourn until Tuesday, February 14, 1978, at 1 o'clock P.M., which motion was lost.

The question recurred on the motion of Mr. Peden, and said motion was lost.

Yeas 7; Nays 20.

Yeas:

Messrs. Bank, Fine, Gilmore, Owen, Peden, Stewart, Teague.

—7

Nays:

Messrs. Baker, Clemon, Edwards, Ellis, Goodwin, Higginbotham, Jones, Little, McMillan, Miller, Mims, Mitchell, Pearson, Perry, Powell, Proctor, Roberts, Shelby, Vacca, Waldrop.

—20

FURTHER CONSIDERATION OF S. B. 205

The Senate proceeded to further consideration of the Bill, S. B. 205.

The question was on the motion to postpone said Bill until the Twentieth Legislative Day.

On motion of Mr. Perry, his motion to postpone was laid on the table.

The question was then on the amendment offered by Mr. Waldrop.

Mr. Perry moved that said amendment be laid on the table, which motion was lost.

Yeas 5; Nays 15.

Yeas: Messrs. Ellis, Goodwin, Jones, Mitchell, Perry. —5

Nays:

Messrs. Baker, Clemon, Edwards, Fine, Gilmore, Higginbotham, King, Owen, Pearson, Peden, Proctor, Shelby, Stewart, Teague, Waldrop.

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REPORT FROM RULES

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 393. HONORING CORNELIUS W. LOWRY UPON HIS RETIREMENT.

On motion of Mr. Perry, said Resolution was then concurred in and adopted by the Senate.

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 366. URGING THE APPOINTMENT OF MRS. ANN CALAGAZ TO THE NATIONAL HIGHWAY SAFETY ADVISORY COMMITTEE.

On motion of Mr. Noonan, said Resolution was then adopted by the Senate.

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 365. HONORING SENATOR LISTER HILL, DISTINGUISHED ALABAMIAN AND MEMBER OF THE UNITED STATES CONGRESS FOR 46 YEARS.

On motion of Mr. Clemon, said Resolution was then adopted by the Senate.

By unanimous consent, the names of the remaining Senators were added as co-sponsors of the above Resolution.

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Willie L. Whitman, Jr., as Brigadier General in the Alabama National Guard.

On motion of Mr. Clemon, the appointment of Willie L. Whitman, Jr., as Brigadier General was confirmed by the Senate.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Goodwin, Higginbotham, Jones, King, Little, McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, St. John, Shelby, Stewart, Teague.

—25

Nays:

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Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Ross Dunn to the Board of Trustees of Alabama State University.

On motion of Mr. Little, the appointment of Ross Dunn was confirmed by the Senate.

Yeas 24; Nays 0.

Yeas:

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Goodwin, Higginbotham, Jones, King, McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Shelby, Stewart, Teague, Waldrop.

—24

Nays:

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Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Edwin L. D. Moss to the Board of Trustees of Alabama State University.

On motion of Mr. Goodwin, the appointment of Edwin L. D. Moss was confirmed by the Senate.

Yeas 23; Nays 0.

Yeas:

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Goodwin, Jones, Little, McMillan, Miller, Mims, Mitchell, Noonan, Owen Pearson, Peden, Perry, St. John, Shelby, Stewart, Teague, Waldrop.

—23

Nays:

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FURTHER CONSIDERATION OF S. B. 205

The Senate proceeded to further consideration of the Bill, S. B. 205.

The question was on the amendment offered by Mr. Waldrop.

REPORT FROM RULES

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 85. URGING ALABAMA'S UNITED STATES SENATORS TO OPPOSE THE PANAMA CANAL TREATIES.

Mr. Mitchell offered the following substitute for the Resolution, H. J. R. 85, to-wit:

SUBSTITUTE FOR H. J. R. 85

H. J. R. 85 URGING THE UNITED STATES SENATE TO VOTE AGAINST RATIFICATION OF THE NEW PANAMA CANAL TREATY.

WHEREAS, the Panama Canal is vital to the economic stability and military security of the United States; and

WHEREAS, any future right of the United States to defend the Panama Canal would be subject to Panamanian control under the proposed treaty; and

WHEREAS, many prominent Alabamians have sacrificed and given leadership in the construction of the Panama Canal, most notably Senator John T. Morgan and General William Crawford Gorgas; and

WHEREAS, the proposed treaty would surrender legal control of the Canal Zone to Panama within three years and in time would give complete management of the Canal to Panama, thereby displacing American influence and personnel; and

WHEREAS, the so-called Panama Canal is in truth and fact "the American Canal in Panama," having been built by, maintained by, and paid for by American money and American lives; and

WHEREAS, the integrity and respect of the United States is at stake in this question of surrendering American interest to foreign governments in the face of threatened rebellion by that local government; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby respectfully urge and request the members of the United States Senate to vote against ratification of the new Panama Canal Treaty.

BE IT FURTHER RESOLVED, That this legislative body commend the Junior Senator from Alabama, the Honorable James B. Allen, for his forthright and positive stand in opposition to the ratification of this treaty; and

BE IT FURTHER RESOLVED, That the Governor of this State be called upon by this legislative body to present this matter to the next meeting of the Southern Governors Conference with the specific objective that the Southern

Region of this country take the lead in opposing the ratification of a treaty which is repugnant to the ideals and principles upon which this nation was founded; and

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to the President and Vice President of the United States and to each member of the United States Senate.

On motion of Mr. Clemon, said substitute was laid on the table.

Yeas 25; Nays 2.

Abstaining 1.

Yeas:

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Goodwin, Higginbotham, Jones, McDonald (A), McDonald (S), Mims, Noonan, Owen, Pearson, Peden, Perry, Powell, Proctor, St. John, Shelby, Stewart, Vacca, Waldrop, Wilson.

—25

Nays: Messrs. Little, Mitchell

—2

Abstaining: Mr. Miller.

—1

And said Resolution was then concurred in and adopted by the Senate.

POINT OF PERSONAL PRIVILEGE

Mr. Clemon requested and received unanimous consent that the Journal show that, had a roll call vote been taken on the adoption of the Resolution, H. J. R. 85, he would have voted "Nay".

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 393. HONORING CORNELIUS W. LOWRY UPON HIS RETIREMENT.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

RESOLUTION

Messrs. Ellis, Pearson, McMillan, Gilmore, and Vacca offered the following Senate Joint Resolution, to-wit:

S. J. R. 370. HONORING CORNELIUS W. LOWRY UPON HIS RETIREMENT.

WHEREAS, the Legislature of Alabama has noted the recent retirement of Mr. Cornelius W. Lowry after a career of more than 40 years as a representative of the press; and

WHEREAS, Mr. Lowry, who is a graduate of Birmingham-Southern College, began work in May, 1937 with the old Age-Herald where he worked for three months before joining the staff of the Birmingham News; and

WHEREAS, the last decade of his more than four decades with the News was spent writing an Outdoors column three times a week having written at least one column a week since his association with the News; he also covered the old Birmingham Barons for 15 years, as well as golf and other sports, was a member of the copy desk for three years, and also worked on city side stories for some ten years of his career; and

WHEREAS, Cornelius W. Lowry, known to friends and acquaintances as Walton, is a resident of Mountain Brook, Alabama, and has no immediate thoughts of slowing down after his long and busy career; both hunting and fishing figure prominently in his future plans as well as the possibility of writing a book; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Cornelius W. Lowry on his outstanding career as a newspaperman; we congratulate him on his retirement and wish for him continued success in all future pursuits.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Mr. Walton Lowry that he and his two lovely daughters, and four fine sons, may know of our high praise and warm wishes for the future.

Which was read and referred to the Standing Committee on Rules.

FURTHER CONSIDERATION OF S. B. 205

The Senate proceeded to further consideration of the Bill, S. B. 205.

The question was on the amendment offered by Mr. Waldrop.

ADJOURNMENT

At 2:30 P.M., on motion of Mr. Fine, in accordance with Joint Resolution heretofore adopted, and pending further consideration of S. B. 205, the Senate adjourned until Tuesday, February 14, 1978, at 12 o'clock Noon.

Yeas 19; Nays 13.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Fine, McDonald (A), McDonald (S), Miller, Owen, Peden, Perloff, Powell, Proctor, St. John, Shelby, Vacca, Waldrop, Wilson.

Nays:

Messrs. Edwards, Ellis, Goodwin, Higginbotham, Jones, Little, McMillan, Mims, Mitchell, Noonan, Pearson, Perry, Roberts.

—13

TENTH LEGISLATIVE DAY

TUESDAY, FEBRUARY 14, 1978

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

PRAYER

The Session was opened with prayer by the Reverend Charles H. Douglass, Rector, Saint John's Episcopal Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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JOURNAL

On motion of Mr. Fine, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE

ON RULES ON

REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Ninth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

U. W. CLEMON,
Chairman.

COMMITTEE REPORT

On motion of Mr. Clemon, the foregoing report was concurred in and the Journal of the Senate for the Ninth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. Fine, leave of absence was granted Mr. Noonan for today.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Jones:

S. 558. To provide that any person who knowingly sends or causes to be sent, brings or causes to be brought, into this State for sale or distribution, any obscene work, or within this State, manufactures, prints, publishes, sells, distributes, or possesses with intent to sell or distribute, or displays publicly any obscene work, or who knowingly exhibits any obscene performance for monetary consideration shall be guilty of a misdemeanor and shall be punished as provided herein, to provide exemptions from prosecution under this Act, to provide for the extradition of persons charged with violations of this Act, to provide procedures for the issuance of search warrants for the seizure of allegedly obscene works, to provide procedures which comply with constitutional requirements for adversary hearing prior to trial on the question of the obscenity of works seized and to provide copies of works seized, to provide penalties for violation of Section 2 or 3 of this Act, to provide for the forfeiture of works used in any violation of Sections 2 or 3 of this Act, to repeal Sections 6301, 6305, 6310, 6320, and 6322 of Act No. 607, Acts of Alabama, 1977 Regular Session, to provide for the severability of the parts of this Act, to provide an effective date, and to provide definitions for the provisions of this Act.

Committee on Judiciary.

By Mr. Shelby:

S. 559. To name the baseball field at the University of Alabama at Tuscaloosa, now called Thomas Field, the "Sewell-Thomas Field."

Committee on State Government.

By Mr. Bank:

S. 560. To exempt individual county commissioners from any and all liability for negligence of the county in the construction, reconstruction, and maintenance of public roads and bridges.

Committee on Judiciary.

By Mr. Goodwin:

S. 561. To provide that any person who violates the vehicle load limitations of section 32-9-20 Code of Alabama, 1975, shall be conclusively presumed to have damaged the public roads; to establish a schedule of damages on all highways not a part of the interstate system to be assessed against persons operating under permits authorized by section 32-9-29, Code of Alabama, 1975, but exceeding the limits allowed by such permits; to provide that damages shall be paid to the State Treasurer and credited to the department or departments having a legal responsibility of enforcing vehicle weight laws and to the county in which violation occurred; to provide for repeal of all inconsistent laws or parts of laws; to declare the provisions of this Act severable; and to set the date upon which this Act will become effective.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Jones:

S. 562. To provide that any person who knowingly shows, exhibits, sells, distributes, or displays for sale, any onscene work to a minor, or who knowingly exhibits any obscene performance with knowledge that a minor is present in the audience, or who knowingly exhibits any obscene performance with reckless disregard as to whether a minor is present in an audience, or who knowingly exhibits any obscene performance where it is likely or probable that a minor is present in an audience, shall be guilty of a misdemeanor and shall be punished as provided herein, to provide exemptions from prosecution under this Act, to provide that a mistake as to the age of the minor shall constitute a defense to prosecution under certain circumstances, to provide for the extradition of persons charged with violations of this Act, to provide procedures for the issuance of search warrants for the seizure of allegedly obscene works, to provide procedures which comply with constitutional requirements for adversary hearings prior to trial on the question of the obscenity of works seized and to provide copies of works seized, to provide penalties for violation of Sections 2 or 3 of this Act, to provide for the forfeiture of works used in any violation of Sections 2 or 3 of this Act, to repeal Sections 6320 and 6322 of Act No. 607, Acts of Alabama, 1977 Regular Session, to provide for the severability of the parts of this Act, to provide an effective date, and to provide definitions for the provisions of this Act.

Committee on Judiciary.

By Mr. Bank:

S. 563. To amend the title and sections 1, 2, 3, 5, 6, 7, 8, 9, 10, 11 and 12 of Act 637, H. 53, 1976 Regular Session (Acts of 1976, p. 883) so as to remove state prisoners from the county work release program and to prescribe requirements for county inmates to participate in said program.

Committee on Judiciary.

By Mr. Bank:

S. 564. To make an appropriation to the state board of social work examiners from the state board of social work examiners' fund which is on deposit in the state treasury, for purposes of salaries and other expenses.

Committee on Finance and Taxation.

By Mr. Bank:

S. 565. To amend Sections 12-260 and 12-266 of Title 40, Code of Alabama 1975, and Act No. 35, Acts of Alabama, Regular Session, 1945, in order to provide for the report of change of ownership of a previously licensed motor vehicle and for the record of transfer of a motor vehicle license tag to be made to the Probate Judge of the County where the owner resides; to exempt licensed motor vehicle dealers from filing such reports of change of ownership for vehicles held for sale; to provide procedures to be followed in making such reports and records; to increase the fee charged by the Probate Judge for recording the change of ownership of a motor vehicle to one dollar (\$1.00).

Committee on Commerce, Transportation,
and Utilities.

By Mr. Peden:

S. 566. To estop the state comptroller from paying to all judges within the unified court system of this state certain cost of living salary increases.

Committee on Finance and Taxation.

By Mr. Higginbotham:

S. 567. To propose an amendment to the Constitution of Alabama relating to fees and compensation of officers and the costs and charges of courts in Russell County.

Committee on Local Legislation No. 1.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Mitchell:

S. 568. To amend Code of Alabama 1975, Section 17-4-14, which relates to the preparation and publication of poll lists so as to change the dates of said publication

Committee on Constitution and Elections.

By Mr. Edwards:

S. 569. To amend Section 34-27-31, Code of Alabama 1975, which relates to qualifications for the licensing of real estate brokers in this state, so as to provide that if a judgment is entered against a licensed real estate broker, such licensee shall have 60 days in which to pay any such outstanding judgment, otherwise the license is automatically suspended.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Mims:

S. 570. To amend Section 34-1-8 of the Code of Alabama 1975 which relates to the registration of public accountants so as to provide further for the registration of persons as a public accountant who have received a college degree with a major in accounting.

Committee on Commerce, Transportation,
and Utilities.

By Messrs. Ellis, Jones, King and Stewart:

S. 571. Relating to retardation; creating "The Bill of Rights of Retarded Persons"; providing legislative intent; providing definitions; providing certain rights relating to the type and manner of services to be received by persons or "clients," admitted to the Division of Retardation for receipt of its services; providing civil liability for persons who violate or abuse any rights or privileges of a client; providing certain exceptions from liability; requiring the Department of Mental Health to provide each client or his parent or legal guardian with a written copy of the act; requiring each residential facility operated by the division to develop a program of resident government to represent resident interests; requiring the Department of Mental Health to develop a plan to implement the act; providing an effective date.

Committee on Health and Welfare.

By Mr. Waldrop (with notice and proof):

S. 572. Relating to Etowah County; to provide for vesting the general administration and supervision of the public schools and educational interest of certain incorporated municipalities in a city board of education.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 572, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

REPORTS OF COMMITTEES

Mr. Gilmore, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. McMillan, Gilmore, Ellis, Wilson, Clemon, Vacca and Pearson (with notice and proof):

S. 527. To apply in Jefferson County, Alabama, and to authorize the County Board of Health in such county to solicit, receive, hold or dispose of by sale or otherwise any gifts, grants, devises and bequests of money, real estate or any other thing of value and to use Jefferson County Board of Health funds to match or supplement any such gifts, grants, devises and bequests of money, real estate or any other thing of value to carry out the purpose or purposes for which any such gifts, grant, devise or bequest of money, real estate or other thing of value was given or granted; to further authorize said Board to purchase, sell or exchange any real or personal property needed to carry out the functions of said Board.

Mr. St. John, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Ellis:

S. 32. To establish and provide for the operation of a crime victims compensation board; to prescribe eligibility requirements and procedures for awards by such board; to provide for appeals from decisions of the board; and to make an appropriation.

By Mr. Jones:

S. 43. To require moneys received by criminals as a result of the commission of a crime to be paid to the state board of adjustment for distribution to the victims of such crimes.

By Messrs. Ellis and Vacca:

S. 64. To define motorized bicycles, to prescribe the licensing procedure and allocation of license fees, to apply certain rules of the road and safety requirements and to require no insurance for the operation of such motorized bicycles.

By Messrs. Ellis and Vacca:

S. 65. To amend Sections 32-1-1, 32-5-64, and 32-12-20, Code of Ala-

bama 1975 so as to define a motorized bicycle and to provide that a motorized bicycle be treated as a separate and unique form of vehicle.

By Mr. McDonald (A):

S. 140. To prohibit any person from operating a motor vehicle on any road or highway of this state which has decals or any matter of a paint substance or material which covers more than twenty-five percent (25%) of the windshield or any window of the vehicle; and to prescribe penalties for violating the provisions of this act.

By Mr. Baker:

S. 284. To provide protection to certain corporate citizens or residents of Alabama, their shareholders and employees and the public against takeover offers which do not provide full and fair disclosure of all material information, which do not provide adequate time for consideration or which are based upon unfair or inequitable terms; to prescribe regulations to insure such protection; to provide for enforcement of such regulations; to prescribe penalty for violation of such regulations and to provide for review of certain takeovers by the Alabama Supreme Court.

Mr. Jones, Chairman of the Standing Committee on State Government, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Perloff:

S. 373. Providing that any municipality may legalize the sale or consumption of alcoholic beverages within corporate limits without regard as to whether the sale or consumption of alcoholic beverages is prohibited on a county-wide basis.

Mr. Baker, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Waldrop:

S. 164. Relating to all cities having a population of 5,268 inhabitants according to the 1977 federal special census or any subsequent federal decennial census, providing for the election by popular vote of the members of the city board of education; prescribing the terms, qualifications and compensation, abolishing the existing city board of education and repealing all conflicting statutes.

Mr. Baker, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Waldrop (with notice and proof) (With Amendment):

S. 547. Relating to Rainbow City in Etowah County; to provide for a special election of the electors of Rainbow City on the issue of whether or not the people of Rainbow City want to create a separate municipal school board in Rainbow City; to provide for the termination of any municipal school system for Rainbow City in the event the voters vote to stay within the county

system; and to provide for the creation of a municipal school system, in accordance with existing laws, for Rainbow City if the electors vote in favor of creating such a municipal school system.

Mr. Baker, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Drake (with notice and proof):

H. 159. Relating to Cullman County; to provide that the county governing body of said county shall pay over the proceeds from coal severance taxes collected pursuant to the provisions of Act 598, H. 643, 1977 Regular Session of the Legislature, to the state highway department for the paving and resurfacing of county roads in Cullman County.

By Mr. Drake (with notice and proof):

H. 160. To authorize and direct the Cullman County Commission to levy and provide for the collection of an additional tax on motor fuels, and to provide for distribution and use of the proceeds from the tax.

By Mr. Morris (with notice and proof):

H. 242. To alter, rearrange and extend the boundary lines and corporate limits of Dadeville, Alabama.

Mr. St. John, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. White, et al:

H. 308. To amend Section 12-16-2, Code of Alabama 1975, which relates to persons exempted from jury duty, so as to exempt only practicing attorneys and judges.

RECESS

At 12:35 P.M., on motion of Mr. Fine, the Senate took a recess until 2 o'clock this afternoon.

The recess period having expired, the Senate was called to order by Lieutenant Governor Beasley. A quorum of the Senate was present.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 85. URGING ALABAMA'S UNITED STATE SENATORS TO OPPOSE THE PANAMA CANAL TREATIES.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 10. COMMENDING ALABAMA A & M UNIVERSITY ON WINNING THE NATIONAL NCAA DIVISION II SOCCER CHAMPIONSHIP.

Also:

H. J. R. 13. HONORING MR. W. R. BRYAN, KEYNOTE SPEAKER, AUBURN LIONS CLUB 50TH ANNIVERSARY CELEBRATION.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

UNFINISHED BUSINESS

BILLS ON THIRD READING

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 205. To authorize Alabama Public School and College Authority to sell and issue two hundred million dollars (\$200,000,000) aggregate principal amount of additional bonds for capital improvements for public educational purposes including libraries, laboratories and facilities for athletics, recreation and physical education, and research facilities, including the acquisition of land, including colleges and universities, vocational-technical institutes, junior colleges, elementary-secondary school systems and special schools; to provide for details of the said bonds and for the public sale thereof; to make an appropriation and pledge for payment of the principal of and interest on the bonds of proceeds from specified excise taxes to the extent necessary to pay the said principal and interest at their respective maturities; to authorize the Authority to pledge for payment of the principal of and interest on the bonds the moneys so appropriated and pledged; to provide that the bonds shall be limited obligations of the Authority payable solely out of the funds so appropriated and pledged and will not create a debt

or obligation of the state; to provide that the bonds and the income therefrom shall be exempt from taxation in this state and the bonds may be used to secure deposits of funds of this state and its political subdivisions, instrumentalities and agencies, and for investment of fiduciary funds; to authorize the issuance by the Authority of refunding bonds for the purpose of refunding the principal of any then outstanding bonds theretofore issued by either the Authority or Alabama Education Authority or both, and the expenses of such refunding and any premiums necessary to retire those so refunded; to provide that after payment of the expenses of the issuance of the bonds the proceeds from the sale thereof shall be disbursed on orders or warrants issued by or under the direction of the Authority for purposes for which they are authorized to be issued; and to provide that if any portion of this Act should be held invalid such holding shall not affect the validity of any other portion thereof.

On motion of Mr. Owen, consideration of the Bill, S. B. 205, was postponed temporarily.

RESOLUTIONS

Pursuant to the provisions of Act 512, 1976, Regular Session (the Sunset Act), the hour of 2 o'clock having arrived, the Senate proceeded to consideration of the Sunset Resolutions.

And the President and Presiding Officer of the Senate called up the Resolutions:

S. J. R. 288. Providing for the continued existence of the Alexander City Junior College.

On motion of Mr. Owen, said Resolution, S. J. R. 288, was then adopted by the Senate.

Yeas 29; Nays 0.

Yeas:

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Goodwin, Higginbotham, King, Little, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Owen, Pearson, Peden, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—29

Nays:

—0

S. J. R. 289. Providing for the continued existence of the Ameraport Deep-Draft Harbor and Terminal Commission.

On motion of Mr. Owen, said Resolution, S. J. R. 289, was then adopted by the Senate.

Yeas 18; Nays 0.

Yeas:

Messrs. Adams, Bank, Ellis, Fine, Goodwin, Higginbotham, King, Little, McDonald (S), Miller, Owen, Peden, Roberts, Shelby, Teague, Vacca, Waldrop, Wilson.

—18

Nays:

—0

S. J. R. 290. Providing for the continued existence of the Appalachian Regional Commission.

On motion of Mr. Owen, said Resolution, S. J. R. 290, was then adopted by the Senate.

Yeas 20; Nays 0.

Yeas:

Messrs. Adams, Bank, Edwards, Ellis, Fine, Goodwin, Little, McDonald (A), McDonald (S), Miller, Owen, Pearson, Peden, Roberts, St. John, Shelby, Teague, Vacca, Waldrop, Wilson.

—20

Nays:

—0

S. J. R. 291. Providing for the continued existence of the Archaeological Advisory Council.

On motion of Mr. Owen, said Resolution, S. J. R. 291, was then adopted by the Senate.

Yeas 20; Nays 0.

Yeas:

Messrs. Adams, Edwards, Ellis, Fine, Goodwin, Jones, Little, McDonald (A), McDonald (S), Miller, Owen, Peden, Perloff, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—20

Nays:

—0

S. J. R. 292. Providing for the continued existence of the Armed Forces Day Commission.

On motion of Mr. Owen, said Resolution, S. J. R. 292, was then adopted by the Senate.

Yeas 21; Nays 0.

Yeas:

Messrs. Adams, Bank, Edwards, Ellis, Fine, Goodwin, Higginbotham, Jones, Little, McDonald (A), McDonald (S), Miller, Mims, Owen, Peden, Powell, Roberts, Shelby, Teague, Vacca, Wilson.

—21

Nays:

—0

S. J. R. 293. Providing for the continued existence of the Athens State College.

On motion of Mr. Owen, said Resolution, S. J. R. 293, was then adopted by the Senate.

Yeas 21; Nays 0.

Yeas:

Messrs. Adams, Edwards, Ellis, Fine, Goodwin, Higginbotham, Jones, Little, McDonald (A), Miller, Mims, Owen, Pearson, Peden, Perloff, Roberts, Shelby, Teague, Vacca, Waldrop, Wilson.

—21

Nays:

—0

S. J. R. 294. Providing for the continued existence of Atmore State Technical Institute.

On motion of Mr. Owen, said Resolution, S. J. R. 294, was then adopted by the Senate.

Yeas 18; Nays 0.

Yeas:

Messrs. Adams, Bank, Ellis, Fine, Goodwin, Higginbotham, Jones, Little, McDonald (S), Miller, Mims, Owen, Peden, Perloff, Roberts, Shelby, Teague, Vacca.

—18

Nays:

—0

S. J. R. 295. Providing for the continued existence of the Auburn University System.

On motion of Mr. Owen, said Resolution, S. J. R. 295, was then adopted by the Senate.

Yeas 23; Nays 0.

Yeas:

Messrs. Adams, Edwards, Ellis, Fine, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McDonald (S), Miller, Mims, Owen, Peden, Perloff, Proctor, Roberts, Shelby, Teague, Vacca, Waldrop, Wilson.

—23

Nays:

—0

S. J. R. 296. Providing for the continued existence of the Bear Creek Development Authority.

On motion of Mr. Owen, said Resolution, S. J. R. 296, was then adopted by the Senate.

Yeas 21; Nays 0.

Yeas:

Messrs. Adams, Edwards, Ellis, Fine, Goodwin, Jones, King, Little, McDonald (A), McDonald (S), Miller, Owen, Pearson, Peden, Proctor, Roberts, Shelby, Teague, Vacca, Waldrop, Wilson.

—21

Nays:

—0

S. J. R. 297. Providing for the continued existence of the Beautification Board.

On motion of Mr. Owen, said Resolution, S. J. R. 297, was then adopted by the Senate.

Yeas 20; Nays 0.

Yeas:

Messrs. Adams, Bank, Edwards, Ellis, Fine, Goodwin, Jones, King, Little, McDonald (S), Miller, Owen, Peden, Proctor, Roberts, Shelby, Teague, Vacca, Waldrop, Wilson.

—20

Nays:

—0

S. J. R. 298. Providing for the continued existence of Bessemer State Technical College.

On motion of Mr. Owen, said Resolution, S. J. R. 298, was then adopted by the Senate.

Yeas 19; Nays 0.

Yeas:

Messrs. Adams, Bank, Edwards, Ellis, Fine, Goodwin, Jones, Little, McDonald (S), Miller, Mims, Owen, Peden, Perloff, Roberts, Shelby, Vacca, Waldrop, Wilson.

—19

Nays:

—0

QUORUM CALL REQUESTED

At 2:55 P.M., Mr. Peden requested that the President and Presiding Officer of the Senate ascertain the presence of a quorum.

The President and Presiding Officer of the Senate declared that, in view of the immediately preceding Roll Call to which 19 Senators responded, a quorum of the Senate was present.

SUNSET RESOLUTIONS RESUMED

The Senate proceeded to further consideration of the Sunset Resolutions.

The President and Presiding Officer of the Senate called up the Resolutions:

S. J. R. 299. PROVIDING FOR THE TERMINATION OF THE BICENTENNIAL COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Bicentennial Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Bicentennial Commission, the committee voted on November 29, 1977, to recommend termination of the Bicentennial Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Bicentennial Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

On motion of Mr. Owen, said Resolution, S. J. R. 299, was then adopted by the Senate.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Edwards, Ellis, Fine, Goodwin, Higginbotham, King, Little, McDonald (A), McDonald (S), McMillan, Miller, Mims, Owen, Pearson, Perloff, Powell, Proctor, Roberts, Shelby, Teague, Vacca, Waldrop, Wilson.

—25

Nays:

—0

MOTIONS TO ADJOURN

At 3 o'clock P.M., Mr. Owen moved that when the Senate adjourns today it adjourn to meet again on Wednesday, February 15, 1978, at 2 o'clock P.M.

Mr. Perloff offered a substitute motion that when the Senate adjourns today, it adjourn to meet again on Thursday, February 16, 1978, at 12 o'clock Noon, which motion was adopted.

Yeas 14; Nays 6.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Higginbotham, King, Little, McMillan, Miller, Pearson, Perloff, Proctor, Waldrop.

Nays:

—14

Messrs. Fine, McDonald (A), Owen, Peden, Roberts, Vacca.

—6

Mr. Edwards offered a substitute for the substitute offered by Mr. Perloff, that when the Senate adjourns today, it adjourn to meet again on Thursday, February 16, 1978, at 10 o'clock A.M., which motion was adopted.

Yeas 15; Nays 3.

Yeas:

Messrs. Baker, Edwards, Ellis, Higginbotham, King, Little, McDonald (A), McDonald (S), McMillan, Miller, Perloff, Proctor, Roberts, Shelby, Waldrop.

—15

Nays:

Messrs. Fine, Owen, Peden.

—3

On motion of Mr. Owen, said adjournment motion, as amended, was then lost.

Mr. Perloff offered the following Motion in Writing, to-wit:

MOTION IN WRITING

By Mr. Perloff:

I hereby move that when we adjourn today we adjourn to meet again on the 16th of February 1978 at 10:30 A.M.

Mr. Fine offered the following substitute motion for the Perloff Motion in Writing, to-wit:

SUBSTITUTE FOR PERLOFF MOTION IN WRITING

When we adjourn today we adjourn to meet at 1:00 P.M. on Wednesday, February 15, 1978.

Which motion was lost.

Yeas 9; Nays 14.

Yeas:

Messrs. Baker, Fine, Owen, Peden, Powell, Robert, Shelby, Teague, Vacca.

—9

Nays:

Messrs. Adams, Bank, Edwards, Ellis, Gilmore, Higginbotham, Little, McDonald (A), McMillan, Miller, Mims, Perloff, Proctor, Waldrop.

—14

The question was then on the Motion in Writing offered by Mr. Perloff, and said motion was referred to the Standing Committee on Rules.

MOTION TO ADJOURN LOST

At 3:15 P.M., Mr. Perloff then moved that the Senate adjourn until Thursday, February 16, 1978, at 10 o'clock A.M., which motion was lost.

Yeas 9; Nays 17.

Yeas:

Messrs. Bank, Clemon, Fine, Gilmore, McDonald (S), Peden, Perloff, Powell, Wilson.

—9

Nays:

Messrs. Baker, Edwards, Ellis, Higginbotham, Little, McDonald (A), McMillan, Miller, Mims, Owen, Pearson, Proctor, Roberts, Shelby, Teague, Vacca, Waldrop.

—17

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Sunset Committee:

H. J. R. 117. PROVIDING FOR THE TERMINATION OF THE FIRE ANT STUDY COMMITTEE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Fire Ant Study Committee; and

WHEREAS, following a review and evaluation relative to the continued existence of the Fire Ant Study Committee, the committee voted to recommend termination of the Fire Ant Study Committee; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Fire Ant Study Committee, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Mims, the Resolution, H. J. R. 117, set out in the foregoing Message from the House, was postponed temporarily.

SUNSET RESOLUTIONS RESUMED

The President and Presiding Officer of the Senate called up the following Resolutions:

S. J. R. 300. Providing for the continued existence of the Big Nance Watershed Conservancy.

On motion of Mr. Owen, said Resolution, S. J. R. 300, was then adopted by the Senate.

Yeas 24; Nays 0.

Yeas:

Messrs. Adams, Clemon, Edwards, Ellis, Fine, Goodwin, Higginbotham, Jones, Little, McDonald (A), McDonald (S), McMillan, Miller, Mims, Owen, Pearson, Peden, Perloff, Proctor, Roberts, Shelby, Vacca, Waldrop, Wilson.

—24

Nays:

—0

S. J. R. 301. Providing for the continued existence of the Birmingham Festival of Arts.

On motion of Mr. Owen, said Resolution, S. J. R. 301, was then adopted by the Senate.

Yeas 21; Nays 0.

Yeas:

Messrs. Adams, Bank, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, Little, McDonald (S), McMillan, Miller, Owen, Peden, Perloff, Roberts, Shelby, Teague, Vacca, Waldrop.

—21

Nays:

—0

S. J. R. 302. Providing for the continued existence of the Birmingham Training Center for Brain Injured Children.

On motion of Mr. Owen, said Resolution, S. J. R. 302, was then adopted by the Senate.

Yeas 19; Nays 0.

Yeas:

Messrs. Adams, Bank, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, Little, McMillan, Miller, Mims, Owen, Peden, Roberts, Shelby, Teague, Vacca.

—19

Nays:

—0

S. J. R. 303. Providing for the continued existence of the Bishop State Junior College.

On motion of Mr. Owen, said Resolution, S. J. R. 303, was then adopted by the Senate.

Yeas 18; Nays 0.

Yeas:

Messrs. Adams, Edwards, Fine, Gilmore, Higginbotham, Jones, Little, McMillan, Miller, Owen, Peden, Perloff, Proctor, Roberts, Shelby, Teague, Vacca.

—18

Nays:

—0

QUORUM CALL REQUESTED

At 3:25 P.M., Mr. Peden requested that the President and Presiding Officer of the Senate ascertain the presence of a quorum.

On call of the roll, the following Senators responded to their names:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Gilmore, Higginbotham, Little, McMillan, Miller, Mims, Owen, Perloff, Roberts, Shelby, Teague, Vacca, Waldrop.

—19

ADJOURNMENT

At 3:30 P.M., on motion of Mr. Waldrop, pending further consideration of

the Sunset Committee Resolutions, the Senate adjourned until Thursday, February 16, 1978, at 11 o'clock A. M.

Yeas 11; Nays 9.

Yeas:

Messrs. Fine, Gilmore, Higginbotham, King, Little, McDonald (A), Peden, Perloff, Powell, Proctor, Waldrop.

—11

Nays:

Messrs. Edwards, Ellis, Goodwin, Jones, Miller, Mims, Owen, Roberts, Teague.

—9

ELEVENTH LEGISLATIVE DAY
THURSDAY, FEBRUARY 16, 1978

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

PRAYER

The Session was opened with prayer by the Reverend O. Wyndell Jones, Director of Church Ministries, Baptist State Executive Board, Montgomery, Alabama.

ROLL CALL

Present:

Messrs. Adams, Bank, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—33

JOURNAL

On motion of Mr. Fine, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the

Tenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

Mastin Mims,
Vice Chairman.

COMMITTEE REPORT

On motion of Mr. Mims, the foregoing report was concurred in and the Journal of the Senate for the Tenth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. Fine, leave of absence was granted Messrs. Baker and Clemon for today.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Sunset Committee:

H. J. R. 116. PROVIDING FOR THE TERMINATION OF THE ETOWAH COUNTY-BIG WILLIS WATERSHED.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Etowah County-Big Willis Watershed; and

WHEREAS, following a review and evaluation relative to the continued existence of the Etowah County-Big Willis Watershed, the committee voted to recommend termination of the Etowah County-Big Willis Watershed; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Etowah County-Big Willis Watershed, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 116, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 24; Nays 1.

Yeas:

Messrs. Adams, Bank, Edwards, Ellis, Fine, Gilmore, Goodwin, Little,

McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca.

—24

Nay: Mr. Waldrop.

—1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Sunset Committee:

H. J. R. 117. PROVIDING FOR THE TERMINATION OF THE FIRE ANT STUDY COMMITTEE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Fire Ant Study Committee; and

WHEREAS, following a review and evaluation relative to the continued existence of the Fire Ant Study Committee, the committee voted to recommend termination of the Fire Ant Study Committee; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Fire Ant Study Committee, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 117, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 22; Nays 0.

Yeas:

Messrs. Adams, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Proctor, Roberts, St. John, Shelby, Teague, Vacca.

—22

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Sunset Committee:

H. J. R. 131. PROVIDING FOR THE TERMINATION OF THE SOVEREIGNTY COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Sovereignty Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Sovereignty Commission, the committee voted to recommend termination of the Sovereignty Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Sovereignty Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 131, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 22; Nays 0.

Yeas:

Messrs. Bank, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Little, Miller, Mitchell, Noonan, Owen, Pearson, Peden, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Waldrop, Wilson.

—22

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Sunset Committee:

H. J. R. 149. PROVIDING FOR THE TERMINATION OF THE TASK FORCE ON ENVIRONMENTAL STUDY.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Task Force on Environmental Study; and

WHEREAS, following a review and evaluation relative to the continued existence of the Task Force on Environmental Study, the committee voted to

recommend termination of the Task Force on Environmental Study; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Task Force on Environmental Study, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 149, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Edwards, Ellis, Fine, Gilmore, Goodwin, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Owen, Pearson, Peden, Perloff, Proctor, St. John, Shelby, Teague, Vacca, Waldrop, Wilson.

—25

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Sunset Committee:

H. J. R. 151. PROVIDING FOR THE TERMINATION OF THE TENNESSEE-MULBERRY WATERWAY COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976, Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Tennessee-Mulberry Waterway Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Tennessee-Mulberry Waterway Commission, the committee voted on November 29, 1977, to recommend termination of the Tennessee-Mulberry Waterway Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Tennessee-Mulberry Waterway Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 151, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 23; Nays 0.

Yeas:

Messrs. Adams, Bank, Edwards, Ellis, Fine, Higginbotham, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Powell, Proctor, Roberts, St. John, Shelby, Teague, Wilson.

—23

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Sunset Committee:

H. J. R. 186. PROVIDING FOR THE TERMINATION OF THE JUVENILE CORRECTIONAL STUDY COMMITTEE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Juvenile Correctional Study Committee; and

WHEREAS, following a review and evaluation relative to the continued existence of the Juvenile Correctional Study Committee, the committee voted to recommend termination of the Juvenile Correctional Study Committee; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Juvenile Correctional Study Committee, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 186, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 18; Nays 0.

Yeas:

Messrs. Bank, Edwards, Ellis, Fine, King, Little, McDonald (A), McMillan, Miller, Mims, Owen, Peden, Proctor, St. John, Shelby, Vacca, Waldrop, Wilson.

—18

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Sunset Committee:

H. J. R. 194. PROVIDING FOR THE TERMINATION OF THE LOST CREEK WATERSHED.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Lost Creek Watershed; and

WHEREAS, following a review and evaluation relative to the continued existence of the Lost Creek Watershed, the committee voted to recommend termination of the Lost Creek Watershed; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Lost Creek Watershed, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 194, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 23; Nays 0.

Yeas:

Messrs. Adams, Bank, Edwards, Goodwin, Higginbotham, King, Little, McDonald (A), McMillan, Miller, Mims, Noonan, Owen, Pearson, Peden, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Waldrop, Wilson.

—23

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Sunset Committee:

H. J. R. 215. PROVIDING FOR THE TERMINATION OF THE ADVISORY COMMITTEE FOR INDIGENT MEDICAL CARE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Advisory Committee for Indigent Medical Care; and

WHEREAS, following a review and evaluation relative to the continued existence of the Advisory Committee for Indigent Medical Care, the committee voted on November 29, 1977, to recommend termination of the Advisory Committee for Indigent Medical Care; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Advisory Committee for Indigent Medical Care, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 215, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 21; Nays 0.

Yeas:

Messrs. Bank, Edwards, Goodwin, Higginbotham, King, Little, McDonald (A), McMillan, Miller, Mims, Noonan, Owen, Pearson, Peden, Perloff, Roberts, St. John, Stewart, Teague, Vacca, Wilson.

—21

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Sunset Committee:

H. J. R. 224. PROVIDING FOR THE TERMINATION OF THE ALABAMA AVIATION EXHIBIT COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Aviation Exhibit Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Aviation Exhibit Commission, the committee voted to recommend termination of the Alabama Aviation Exhibit Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Aviation Exhibit Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 224, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 18; Nays 0.

Yeas:

Messrs. Bank, Edwards, Ellis, Fine, King, Little, McDonald (S), McMillan, Miller, Mims, Noonan, Owen, Pearson, Peden, Roberts, Shelby, Vacca, Wilson.

—18

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Sunset Committee:

H. J. R. 228. PROVIDING FOR THE TERMINATION OF THE ALABAMA CONSTITUTIONAL COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Constitutional Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Constitutional Commission, the committee voted to recommend termination of the Alabama Constitutional Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Constitutional Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 228, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 19; Nays 0.

Yeas:

Messrs. Edwards, Fine, Goodwin, Higginbotham, King, Little, McDonald (S), Miller, Mims, Noonan, Owen, Pearson, Peden, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—19

Nays:

—0

MOTION TO RECESS LOST

At 12 o'clock Noon, Mr. Peden moved that the Senate take a recess until 1:30 P.M., which motion was lost.

Yeas 6; Nays 12.

Yeas:

Messrs. McDonald (S), Peden, St. John, Shelby, Waldrop, Wilson.

—6

Nays:

Messrs. Edwards, Gilmore, Goodwin, Higginbotham, Little, Miller, Mims, Noonan, Owen, Perry, Roberts, Vacca.

—12

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Sunset Committee:

H. J. R. 243. PROVIDING FOR THE TERMINATION OF THE ALABAMA RIVER DEVELOPMENT AUTHORITY.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama River Development Authority; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama River Development Authority, the committee voted to recommend termination of the Alabama River Development Authority; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama River Development Authority, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 243, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 18; Nays 0.

Yeas:

Messrs. Bank, Edwards, Fine, Gilmore, Goodwin, Higginbotham, King, Little, Miller, Mims, Mitchell, Owen, Peden, Perry, Roberts, Shelby, Waldrop, Wilson.

—18

Nays:

—0

MOTION TO ADJOURN LOST

At 12:10 P.M., Mr. Peden moved that the Senate adjourn until Tuesday, February 21, 1978, at 12 o'clock Noon, which motion was lost.

Yeas 2; Nays 21.

Yeas: Messrs. Fine, Peden.

—2

Nays:

Messrs. Bank, Edwards, Gilmore, Goodwin, Higginbotham, Little, McDonald (S), McMillan, Miller, Mitchell, Noonan, Owen, Pearson, Perry, Proctor, Roberts, St. John, Shelby, Vacca, Waldrop, Wilson.

—21

RESOLUTIONS

Pursuant to the provisions of Act 512, 1976, Regular Session, the Senate proceeded to consideration of the Senate Sunset Resolutions.

And the President and Presiding Officer of the Senate called up the Resolutions:

S. J. R. 323. PROVIDING FOR THE TERMINATION OF THE COMMISSION TO PRESERVE THE PEACE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Commission to Preserve the Peace; and

WHEREAS, following a review and evaluation relative to the continued existence of the Commission to Preserve the Peace, the committee voted to recommend termination of the Commission to Preserve the Peace; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Commission to Preserve the Peace, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

On motion of Mr. Owen, said Resolution, S. J. R. 323, was then adopted by the Senate.

Yeas 21; Nays 0.

Yeas:

Messrs. Bank, Edwards, Fine, Gilmore, Goodwin, Higginbotham, Little, McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Proctor, Roberts, St. John, Shelby, Vacca, Waldrop.

—21

Nays:

—0

S. J. R. 326. PROVIDING FOR THE TERMINATION OF THE COMMITTEE TO SURVEY LIVING CONDITIONS IN STATE INSTITUTIONS.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Committee to Survey Living Conditions in State Institutions; and

WHEREAS, following a review and evaluation relative to the continued existence of the Committee to Survey Living Conditions in State Institutions, the committee voted to recommend termination of the Committee to Survey Living Conditions in State Institutions; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Committee to Survey Living Conditions in State Institutions, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

On motion of Mr. Owen, said Resolution, S. J. R. 326, was then adopted by the Senate.

Yeas 20; Nays 0.

Yeas:

Messrs. Edwards, Ellis, Fine, Gilmore, Higginbotham, Little, McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Roberts, Shelby, Vacca, Waldrop, Wilson.

—20

Nays:

—0

S. J. R. 143. PROVIDING FOR THE TERMINATION OF THE DEKALB COUNTY-BIG WILLIS WATERSHED.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the DeKalb County-Big Willis Watershed; and

WHEREAS, following a review and evaluation relative to the continued existence of the DeKalb County-Big Willis Watershed, the committee voted to recommend termination of the DeKalb County-Big Willis Watershed; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the DeKalb County-Big Willis Watershed, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

On motion of Mr. Owen, said Resolution, S. J. R. 143, was then adopted by the Senate.

Yeas 20; Nays 0.

Yeas:

Messrs. Edwards, Ellis, Fine, Gilmore, Higginbotham, Little, McDonald (S), McMillan, Miller, Mitchell, Noonan, Owen, Pearson, Peden, Proctor, Roberts, Shelby, Vacca, Waldrop, Wilson.

— 20

Nays:

— 0

S. J. R. 144. PROVIDING FOR THE TERMINATION OF THE DEPARTMENT AND BOARD OF YOUTH SERVICES.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Department and Board of Youth Services; and

WHEREAS, following a review and evaluation relative to the continued existence of the Department and Board of Youth Services, the committee voted to recommend termination of the Department and Board of Youth Services; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Department and Board of Youth Services, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

Mr. Roberts offered the following amendment to the Resolution, S. J. R. 144, to-wit:

AMENDMENT TO S. J. R. 144

On lines, 8 and 20, strike the word "Termination" and insert in lieu thereof the word:

"Continuation"

On line 26, strike the word "terminated" and insert in lieu thereof the word:

"continued"

Which was adopted.

Yeas 16; Nays 5.

Abstaining 1.

Yeas:

Messrs. Bank, Edwards, Fine, Goodwin, Little, McMillan, Miller, Mims, Mitchell, Noonan, Owen, Proctor, Roberts, St. John, Shelby, Waldrop.

—16

Nays: Messrs. Ellis, Higginbotham, Peden, Vacca, Wilson.

—5

Abstaining: Mr. Perry.

—1

And said Resolution, S. J. R. 144, as thus amended, was then adopted by the Senate.

Yeas 19; Nays 6.

Abstaining 2.

Yeas:

Messrs. Adams, Edwards, Fine, Goodwin, Little, McMillan, Miller, Mims, Mitchell, Noonan, Owen, Perloff, Powell, Proctor, Roberts, Shelby, Stewart, Teague, Waldrop.

—19

Nays:

Messrs. Ellis, Gilmore, Higginbotham, Peden, Vacca, Wilson.

—6

Abstaining: Messrs. Pearson, Perry.

—2

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 288. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALEXANDER CITY STATE JUNIOR COLLEGE.

Also:

S. J. R. 289. PROVIDING FOR THE CONTINUED EXISTENCE OF THE AMERAPORT DEEPDRAFT HARBOR AND TERMINAL COMMISSION.

Also:

S. J. R. 290. PROVIDING FOR THE CONTINUED EXISTENCE OF THE APPALACHIAN REGIONAL COMMISSION.

Also:

S. J. R. 291. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ARCHEOLOGICAL ADVISORY COUNCIL.

Also:

S. J. R. 292. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ARMED FORCES DAY COMMISSION.

Also:

S. J. R. 293. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ATHENS STATE COLLEGE.

Also:

S. J. R. 294. PROVIDING FOR THE CONTINUED EXISTENCE OF ATMORE STATE TECHNICAL INSTITUTE.

Also:

S. J. R. 295. PROVIDING FOR THE CONTINUED EXISTENCE OF THE AUBURN UNIVERSITY SYSTEM.

Also:

S. J. R. 296. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BEAR CREEK DEVELOPMENT AUTHORITY.

Also:

S. J. R. 297. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BEAUTIFICATION BOARD.

Also:

S. J. R. 298. PROVIDING FOR THE CONTINUED EXISTENCE OF BESSEMER STATE TECHNICAL COLLEGE.

Also:

S. J. R. 299. PROVIDING FOR THE TERMINATION OF THE BICENTENNIAL COMMISSION.

Also:

S. J. R. 300. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BIG NANCE WATERSHED CONSERVANCY.

Also:

S. J. R. 301. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BIRMINGHAM FESTIVAL OF ARTS.

Also:

S. J. R. 302. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BIRMINGHAM TRAINING CENTER FOR BRAIN INJURED CHILDREN.

Also:

S. J. R. 303. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BISHOP STATE JUNIOR COLLEGE.

JOHN W. PEMBERTON,
Clerk.

SUNSET RESOLUTIONS RESUMED

The Senate proceeded to further consideration of the Sunset Resolutions.

The President and Presiding Officer of the Senate called up the Resolution:

S. J. R. 304. Providing for the continued existence of the Board of Compromise.

On motion of Mr. Owen, said Resolution, S. J. R. 304, was then adopted by the Senate.

Yeas 21; Nays 0.

Yeas:

Messrs. Adams, Edwards, Ellis, Fine, Goodwin, Higginbotham, Little, McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Proctor, Roberts, Stewart, Teague, Waldrop.

—21

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 143. PROVIDING FOR THE TERMINATION OF THE DEKALB COUNTY-BIG WILLIS WATERSHED.

Also:

S. J. R. 323. PROVIDING FOR THE TERMINATION OF THE COMMISSION TO PRESERVE THE PEACE.

Also:

S. J. R. 326. PROVIDING FOR THE TERMINATION OF THE COMMITTEE TO SURVEY LIVING CONDITIONS IN STATE INSTITUTIONS.

JOHN W. PEMBERTON,
Clerk.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolu-

tions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 356. Naming the Life Science and Student Services Building in Birmingham for Dr. George W. Campbell.

Also:

S. J. R. 288. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALEXANDER CITY STATE JUNIOR COLLEGE.

Also:

S. J. R. 289. PROVIDING FOR THE CONTINUED EXISTENCE OF THE AMERAPORT DEEP-DRAFT HARBOR AND TERMINAL COMMISSION.

Also:

S. J. R. 290. PROVIDING FOR THE CONTINUED EXISTENCE OF THE APPALACHIAN REGIONAL COMMISSION.

Also:

S. J. R. 291. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ARCHEOLOGICAL ADVISORY COUNCIL.

Also:

S. J. R. 292. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ARMED FORCES DAY COMMISSION.

Also:

S. J. R. 293. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ATHENS STATE COLLEGE.

Also:

S. J. R. 294. PROVIDING FOR THE CONTINUED EXISTENCE OF ATMORE STATE TECHNICAL INSTITUTE.

Also:

S. J. R. 295. PROVIDING FOR THE CONTINUED EXISTENCE OF THE AUBURN UNIVERSITY SYSTEM.

Also:

S. J. R. 296. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BEAR CREEK DEVELOPMENT AUTHORITY.

Also:

S. J. R. 297. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BEAUTIFICATION BOARD.

Also:

S. J. R. 298. PROVIDING FOR THE CONTINUED EXISTENCE OF BESSEMER STATE TECHNICAL COLLEGE.

Also:

S. J. R. 299. PROVIDING FOR THE TERMINATION OF THE BICENTENNIAL COMMISSION.

Also:

S. J. R. 300. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BIG NANCE WATERSHED CONSERVANCY.

Also:

S. J. R. 301. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BIRMINGHAM FESTIVAL OF ARTS.

Also:

S. J. R. 302. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BIRMINGHAM TRAINING CENTER FOR BRAIN INJURED CHILDREN.

Also:

S. J. R. 303. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BISHOP STATE JUNIOR COLLEGE.

MASTON MIMS,
Vice Chairman.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Sunset Committee.

H. J. R. 317. PROVIDING FOR THE TERMINATION OF THE GOVERNOR'S NATURAL RESOURCES COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Governor's Natural Resources Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Governor's Natural Resources Commission, the committee voted on November 30, 1977, to recommend termination of the Governor's Natural Resources Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Governor's Natural Resources Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 317, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 21; Nays 0.

Yeas:

Messrs. Adams, Edwards, Fine, Goodwin, Higginbotham, Jones, Little, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Powell, Proctor, Roberts, Shelby, Teague, Vacca, Waldrop.

—21

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Sunset Committee:

H. J. R. 332. PROVIDING FOR THE TERMINATION OF THE LEGISLATIVE TECHNICAL ASSISTANCE PROGRAM.

WHEREAS, pursuant to the Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Legislative Technical Assistance Program; and

WHEREAS, following a review and evaluation relative to the continued existence of the Legislative Technical Assistance Program, the committee voted on November 30, 1977, to recommend termination of the Legislative Technical Assistance Program; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislative Technical Assistance Program, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

Mr. Mitchell offered the following amendment to the Resolution, H. J. R. 332, set out in the foregoing Message from the House, to-wit:

AMENDMENT TO H. J. R. 332

On lines, 9 and 21, strike the word "Termination" and insert in lieu

thereof the word:

"Continuation"

On line 7, strike the word "terminated" and insert in lieu thereof the word:

"continued"

MOTIONS TO ADJOURN

At 3:05 P.M., Mr. Stewart moved that the Senate adjourn until Tuesday, February 21, 1978, at 10 o'clock A.M.

Mr. Peden offered a substitute motion that the Senate adjourn until Tuesday, February 21, 1978, at 1 o'clock P.M., which motion was lost.

Mr. Peden then offered a substitute motion that the Senate adjourn until Tuesday, February 21, 1978, at 12 o'clock Noon, which motion was lost.

Yeas 9; Nays 12.

Yeas:

Messrs. Fine, Goodwin, McDonald (S), Mitchell, Peden, Perloff, Powell, Shelby, Stewart.

—9

Nays:

Messrs. Ellis, Jones, Little, McMillan, Miller, Mims, Owen, Perry, Proctor, Roberts, Teague, Vacca.

—12

Mr. Teague offered a substitute motion that the Senate adjourn until Tuesday, February 21, 1978, at 11 o'clock A.M., which motion was lost.

Yeas 10; Nays 12.

Yeas:

Messrs. Fine, McDonald (S), Mitchell, Peden, Perloff, Powell, St. John, Shelby, Stewart, Teague.

—10

Nays:

Messrs. Ellis, Higginbotham, Little, McMillan, Miller, Mims, Noonan, Owen, Perry, Proctor, Roberts, Vacca.

—12

Mr. Peden then offered a substitute motion that the Senate adjourn until Tuesday, February 21, 1978, at 10:45 A.M., which motion was lost.

Yeas 11; Nays 14.

Yeas:

Messrs. Fine, Jones, King, McDonald (S), Mitchell, Peden, Perloff, Powell, St. John, Shelby, Stewart.

—11

Nays:

Messrs. Bank, Ellis, Higginbotham, Little, McMillan, Miller, Mims, Noonan, Owen, Perry, Proctor, Roberts, Teague, Vacca.

—14

The question was then on the original motion offered by Mr. Stewart that the Senate adjourn until Tuesday, February 21, 1978, at 10 o'clock A.M., which motion was lost.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 143. PROVIDING FOR THE TERMINATION OF THE DEKALB COUNTY-BIG WILLIS WATERSHED.

Also:

S. J. R. 323. PROVIDING FOR THE TERMINATION OF THE COMMISSION TO PRESERVE THE PEACE.

Also:

S. J. R. 326. PROVIDING FOR THE TERMINATION OF THE COMMITTEE TO SURVEY LIVING CONDITIONS IN STATE INSTITUTIONS.

MASTON MIMS,
Vice Chairman.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

FURTHER CONSIDERATION OF H. J. R. 332

The Senate proceeded to further consideration of the Resolution, H. J. R. 332. The question was on the amendment offered by Mr. Mitchell.

An said amendment was then adopted by the Senate.

Yeas 21; Nays 0.

Yeas:

Messrs. Ellis, Fine, Goodwin, Jones, King, Little, McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Perry, Powell, Proctor, Roberts, Stewart, Teague, Vacca.

—21

Nays: —0

And said Resolution, H. J. R. 332, as thus amended, was then concurred in and adopted by the Senate.

Yeas 22; Nays 0.

Yeas:

Messrs. Bank, Edwards, Ellis, Fine, Gilmore, Goodwin, Jones, Little, McMillan, Miller, Mims, Mitchell, Owen, Pearson, Peden, Perry, Powell, Proctor, St. John, Shelby, Teague, Vacca.

—22

Nays: —0

ADJOURNMENT

At 3:15 P.M., Mr. Teague moved that the Senate adjourn until Tuesday, February 21, 1978, at 11:30 A.M.

Mr. Miller offered a substitute motion that the Senate adjourn until Tuesday, February 21, 1978, at 1:15 P.M., which motion was adopted, and at 3:20 P.M., pending further consideration of the Sunset Committee Resolutions, the Senate adjourned until Tuesday, February 21, 1978, at 1:15 P.M.

Yeas 15; Nays 9.

Yeas:

Messrs. Bank, Fine, Goodwin, King, McDonald (S), Miller, Pearson, Peden, Perloff, Powell, St. John, Shelby, Stewart, Teague, Vacca.

—15

Nays:

Messrs. Edwards, Ellis, Higginbotham, Jones, Little, McMillan, Owen, Perry, Roberts.

—9

TWELFTH LEGISLATIVE DAY

TUESDAY, FEBRUARY 21, 1978

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

PRAYER

The Session was opened with prayer by the Reverend Emory B. Green, Pastor, Dalraida Baptist Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan,

Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—32

JOURNAL

On motion of Mr. Fine, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Eleventh Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

U. W. CLEMON,
Chairman.

COMMITTEE REPORT

On motion of Mr. Clemon, the foregoing report was concurred in and the Journal of the Senate for the Eleventh Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. Fine, leave of absence was granted Messrs. McDonald (S), Stewart, and Waldrop for today.

COMMUNICATION FROM THE SUPREME COURT

THE STATE OF ALABAMA JUDICIAL DEPARTMENT

THE SUPREME COURT OF ALABAMA

OCTOBER TERM, 1977-78

To the Members of the
House of Representatives
State Capitol
Montgomery, AL 36130

Dear Sirs and Mesdames:

We acknowledge receipt on late yesterday of House Resolution No. 406, adopted February 16, 1978, requesting our written opinions as to the meaning of that part of Section 11 of Act No. 512 of the 1976 Regular Session of the Legislature, page 640, vol. 1, Acts of Alabama, Regular Session 1976 (the "Sunset" Act), which reads in pertinent part as follows:

"... voting in the respective houses of the legislature on the joint committees' recommendations shall commence and thereafter continue from day to day until voting on all the recommendations with respect to each agency are completed, as the first order of business."

You have asked us the following question, viz:

"Does this language permit either house, after it has voted on all such recommendations before it, to resume normal legislative activities, including consideration of unfinished business or bills on its regular or special order calendar, even though the other house may not have completed consideration of the said recommendations?"

You asked for our prompt reply to this urgent question because you state that "the validity of any further action taken, or bills passed, by this House hinges upon your reply." We answer with alacrity because of your expressed concern.

Section 12-2-10, Code 1975, provides as follows:

"The governor, by a request in writing, or either house of legislature, by a resolution of such house, may obtain a written opinion of the justices of the supreme court of Alabama or a majority thereof on *important constitutional questions*." [emphasis supplied.]

We must respectfully point out that the question you pose is a legal question, not an important constitutional question, the latter being the only question we are permitted to answer. Opinion of the Justices, 336 So. 2d 164 (Ala. 1976); Opinion of the Justices, 336 So. 2d 175 (Ala. 1976).

It is, therefore, that we must respectfully decline to render our written opinions in this instance.

Respectfully submitted,

C. C. TORBERT,
Chief Justice.

JAMES N. BLOODWORTH,

HUGH MADDOX,

JAMES H. FAULKNER,

RENEAU P. ALMON,

JANIE L. SHORES,

ERIC EMBRY,

SAMUEL A. BEATTY,

Associate Justices.

The foregoing Message from the Supreme Court of Alabama to the House of Representatives was read and ordered spread upon the Journal.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Sunset Committee:

H. J. R. 316. PROVIDING FOR THE TERMINATION OF THE ALABAMA YOUTH COUNCIL.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Youth Council; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Youth Council, the committee voted on November 30, 1977, to recommend termination of the Alabama Youth Council; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Youth Council, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 316, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 27; Nays 0.

Yeas:

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Gilmore, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Noonan, Owen, Pearson, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—27

Nays:

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MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Sunset Committee:

H. J. R. 335. PROVIDING FOR THE TERMINATION OF THE VETERANS TRAINING BOARD.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Veterans Training Board; and

WHEREAS, following a review and evaluation relative to the continued existence of the Veterans Training Board, the committee voted on November 30, 1977, to recommend termination of the Veterans Training Board; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Veterans Training Board, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 335, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 27; Nays 0.

Yeas:

Messrs. Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Noonan, Owen, Pearson, Peden, Perloff, Proctor, Roberts, St. John, Shelby, Teague, Wilson.

—27

Nays:

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MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Sunset Committee:

H. J. R. 344. PROVIDING FOR THE TERMINATION OF THE ADVISORY COMMITTEE ON FACTORY BUILT HOUSING.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Advisory Committee on Factory Built Housing; and

WHEREAS, following a review and evaluation relative to the continued existence of the Advisory Committee on Factory Built Housing, the committee voted on November 30, 1977, to recommend termination of the Advisory Committee on Factory Built Housing; now therefore,

BE IT FURTHER RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Advisory Committee on Factory Built Housing, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 344, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 29; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Noonan, Owen, Pearson, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Wilson.

—29

Nays:

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MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Sunset Committee:

H. J. R. 353. PROVIDING FOR THE TERMINATION OF THE STATE PERSONNEL SAFETY COMMITTEE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the State Personnel Safety Committee; and

WHEREAS, following a review and evaluation relative to the continued existence of the State Personnel Safety Committee, the committee voted on November 30, 1977, to recommend termination of the State Personnel Safety Committee; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State Personnel Safety Committee, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 353, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 28; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McMillan, Miller, Mims,

Noonan, Owen, Pearson, Peden, Perloff, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—28

Nays:

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MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Sunset Committee:

H. J. R. 355. PROVIDING FOR THE TERMINATION OF THE BOARD OF CANVASSERS OF ELECTION RETURNS.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Board of Canvassers of Election Returns; and

WHEREAS, following a review and evaluation relative to the continued existence of the Board of Canvassers of Election Returns, the committee voted on November 30, 1977, to recommend termination of the Board of Canvassers of Election Returns; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Board of Canvassers of Election Returns, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 355, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 23; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Goodwin, Higginbotham, King, Little, McDonald (A), McMillan, Miller, Mims, Noonan, Owen, Pearson, Peden, Perloff, Proctor, Roberts, Shelby.

—23

Nays:

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MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Sunset Committee:

H. J. R. 356. PROVIDING FOR THE TERMINATION OF THE CONSUMER ADVISORY COUNCIL.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Consumer Advisory Council; and

WHEREAS, following a review and evaluation relative to the continued existence of the Consumer Advisory Council, the committee voted on November 30, 1977, to recommend termination of the Consumer Advisory Council; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Consumer Advisory Council, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 356, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 23; Nays 0.

Yeas:

Messrs. Adams, Clemon, Edwards, Ellis, Fine, Goodwin, Higginbotham, Jones, King, Little, McMillan, Miller, Mims, Noonan, Owen, Pearson, Peden, Perloff, Powell, Proctor, Roberts, Shelby, Vacca.

—23

Nays:

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MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Sunset Committee:

H. J. R. 375. PROVIDING FOR THE TERMINATION OF THE MOBILE COUNTY SEAFOODS ADVISORY COMMITTEE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Mobile County Seafoods Advisory Committee; and

WHEREAS, following a review and evaluation relative to the continued existence of the Mobile County Seafoods Advisory Committee, the committee voted on November 30, 1977, to recommend termination of the Mobile County Seafoods Advisory Committee; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Mobile County Seafoods Advisory Committee, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 375, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 21; Nays 0.

Yeas:

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Goodwin, Jones, Little, McDonald (A), McMillan, Miller, Mims, Owen, Pearson, Peden, Perloff, Roberts, Shelby, Teague, Vacca.

—21

Nays:

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MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Sunset Committee:

H. J. R. 376. PROVIDING FOR THE TERMINATION OF THE STUDENT LEADERSHIP COMMITTEE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Student Leadership Committee; and

WHEREAS, following a review and evaluation relative to the continued existence of the Student Leadership Committee, the committee voted on November 30, 1977, to recommend termination of the Student Leadership Committee; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Student Leadership Committee, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 376, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 19; Nays 0.

Yeas:

Messrs. Adams, Clemon, Edwards, Ellis, Fine, Goodwin, Jones, King, Little, McDonald (A), McMillan, Miller, Noonan, Owen, Pearson, Peden, Roberts, Shelby, Vacca.

—19

Nays:

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MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Sunset Committee:

H. J. R. 367. PROVIDING FOR THE TERMINATION OF THE WEST ALABAMA ENVIRONMENTAL IMPROVEMENT AUTHORITY.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the West Alabama Environmental Improvement Authority; and

WHEREAS, following a review and evaluation relative to the continued existence of the West Alabama Environmental Improvement Authority, the committee voted on November 30, 1977, to recommend termination of the West Alabama Environmental Improvement Authority; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the West Alabama Environmental Improvement Authority, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 367, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 18; Nays 0.

Yeas:

Messrs. Adams, Clemon, Edwards, Fine, Goodwin, Higginbotham, Jones,

Little, McDonald (A), McMillan, Miller, Mims, Noonan, Owen, Pearson, Peden, Roberts, Shelby.

—18

Nays:

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MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Sunset Committee:

H. J. R. 377. PROVIDING FOR THE TERMINATION OF THE ALABAMA INTER-DEPARTMENTAL COORDINATING COMMITTEE FOR EARLY CHILDHOOD DEVELOPMENT.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Inter-Departmental Coordinating Committee for Early Childhood Development; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Inter-Departmental Coordinating Committee for Early Childhood Development; the committee voted on November 30, 1977, to recommend termination of the Alabama Inter-Departmental Coordinating Committee for Early Childhood Development; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Inter-Departmental Coordinating Committee for Early Childhood Development, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 377, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 18; Nays 0.

Yeas:

Messrs. Adams, Clemon, Edwards, Fine, Goodwin, Higginbotham, Jones, Little, McDonald (A), Mims, Noonan, Owen, Pearson, Peden, Perloff, Roberts, Shelby, Teague.

—18

Nays:

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MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Sunset Committee:

H. J. R. 378. PROVIDING FOR THE TERMINATION OF THE ALABAMA COMMUNITY AND TECHNICAL SERVICES AGENCY.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Community and Technical Services Agency; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Community and Technical Services Agency, the committee voted on November 30, 1977, to recommend termination of the Alabama Community and Technical Services Agency; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Community and Technical Services Agency, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 378, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 19; Nays 0.

Yeas:

Messrs. Adams, Clemon, Edwards, Fine, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), Miller, Mims, Noonan, Owen, Pearson, Peden, Roberts, Shelby, Teague.

—19

Nays:

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MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Sunset Committee:

H. J. R. 379. PROVIDING FOR THE TERMINATION OF THE ADVISORY BOARD OF INDIAN AFFAIRS.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No.

512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Advisory Board of Indian Affairs; and

WHEREAS, following a review and evaluation relative to the continued existence of the Advisory Board of Indian Affairs, the committee voted on November 30, 1977, to recommend termination of the Advisory Board of Indian Affairs; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Advisory Board of Indian Affairs, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 379, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 18; Nays 1.

Yeas:

Messrs. Adams, Clemon, Edwards, Ellis, Fine, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), Miller, Noonan, Owen, Pearson, Roberts, Shelby, Teague.

—18

Nay: Mr. Mims

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MESSAGE FROM THE HOUSE

Mr. President:

The House has considered and refused to terminate the Agency considered in the following House Joint Resolution and sends said resolution, with amendment, herewith to the Senate for its consideration:

By Sunset Committee:

H. J. R. 382. PROVIDING FOR THE CONTINUANCE OF COURT MANAGEMENT.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of Court Management; and

WHEREAS, following a review and evaluation relative to the continued existence of Court Management, the committee voted on November 30, 1977, to recommend continuance of Court Management; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Court Management, pursuant to

the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby continued.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 382, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 23; Nays 0.

Yeas:

Messrs. Adams, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McMillan, Miller, Mims, Noonan, Owen, Pearson, Peden, Powell, Roberts, St. John, Shelby, Teague.

—23

Nays:

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MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Sunset Committee:

H. J. R. 110. PROVIDING FOR THE CONTINUED EXISTENCE OF J. F. DRAKE STATE TECHNICAL COLLEGE.

By Sunset Committee:

H. J. R. 111. PROVIDING FOR THE CONTINUED EXISTENCE OF THE EDUCATION STUDY COMMISSION.

Also:

By Sunset Committee:

H. J. R. 112. PROVIDING FOR THE CONTINUED EXISTENCE OF THE EDUCATIONAL TELEVISION COMMISSION.

Also:

By Sunset Committee:

H. J. R. 113. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ELK RIVER DEVELOPMENT AGENCY.

Also:

By Sunset Committee:

H. J. R. 114. PROVIDING FOR THE CONTINUED EXISTENCE OF THE EMPLOYEES INSURANCE BOARD.

Also:

By Sunset Committee:

H. J. R. 115. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ENTERPRISE STATE JUNIOR COLLEGE.

Also:

By Sunset Committee:

H. J. R. 118. PROVIDING FOR THE CONTINUED EXISTENCE OF THE FIRE COLLEGE (DEPARTMENT AND ADVISORY COMMITTEE).

Also:

By Sunset Committee:

H. J. R. 119. PROVIDING FOR THE CONTINUED EXISTENCE OF THE FISHING REEF SHIP COMMISSION.

Also:

By Sunset Committee:

H. J. R. 120. PROVIDING FOR THE CONTINUED EXISTENCE OF ED E. REID STATE TECHNICAL COLLEGE.

Also:

By Sunset Committee:

H. J. R. 121. PROVIDING FOR THE CONTINUED EXISTENCE OF THE RETIREMENT SYSTEMS.

Also:

By Sunset Committee:

H. J. R. 122. PROVIDING FOR THE CONTINUED EXISTENCE OF THE REVENUE DEPARTMENT.

Also:

By Sunset Committee:

H. J. R. 123. PROVIDING FOR THE CONTINUED EXISTENCE OF RICHMOND P. HOBSON STATE TECHNICAL COLLEGE.

Also:

By Sunset Committee:

H. J. R. 125. PROVIDING FOR THE CONTINUED EXISTENCE OF SHELTON STATE TECHNICAL COLLEGE.

Also:

By Sunset Committee:

H. J. R. 126. PROVIDING FOR THE CONTINUED EXISTENCE OF SNEAD STATE JUNIOR COLLEGE.

Also:

By Sunset Committee:

H. J. R. 127. PROVIDING FOR THE CONTINUED EXISTENCE OF THE SOCIAL SECURITY BOARD.

Also:

By Sunset Committee:

H. J. R. 128. PROVIDING FOR THE CONTINUED EXISTENCE OF THE SOUTHERN INTERSTATE NUCLEAR BOARD.

Also:

By Sunset Committee:

H. J. R. 129. PROVIDING FOR THE CONTINUED EXISTENCE OF SOUTHERN UNION STATE JUNIOR COLLEGE.

Also:

By Sunset Committee:

H. J. R. 130. PROVIDING FOR THE CONTINUED EXISTENCE OF SOUTHWEST STATE TECHNICAL COLLEGE.

Also:

By Sunset Committee:

H. J. R. 132. PROVIDING FOR THE CONTINUED EXISTENCE OF THE SPACE SCIENCE EXHIBIT COMMITTEE.

Also:

By Sunset Committee:

H. J. R. 133. PROVIDING FOR THE CONTINUED EXISTENCE OF THE SPORTS HALL OF FAME BOARD.

Also:

By Sunset Committee:

H. J. R. 134. PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE BOARD OF ADJUSTMENT.

Also:

By Sunset Committee:

H. J. R. 136. PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE CAPITOL PRESERVATION COMMISSION.

Also:

By Sunset Committee:

H. J. R. 137. PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE COMMISSION ON PHYSICAL FITNESS.

Also:

By Sunset Committee:

H. J. R. 138. PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE FAIR AUTHORITY.

Also:

By Sunset Committee:

H. J. R. 139. PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE FINANCE DEPARTMENT.

Also:

By Sunset Committee:

H. J. R. 140. PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE MANPOWER PLANNING.

Also:

By Sunset Committee:

H. J. R. 141. PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE PERSONNEL BOARD.

Also:

By Sunset Committee:

H. J. R. 142. PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE RECORDS COMMISSION.

Also:

By Sunset Committee:

H. J. R. 143. PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE SOIL AND WATER CONSERVATION COMMITTEE.

Also:

By Sunset Committee:

H. J. R. 144. PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE TENURE COMMISSION.

Also:

By Sunset Committee:

H. J. R. 145. PROVIDING FOR THE CONTINUED EXISTENCE OF THE STONEWALL JACKSON MEMORIAL.

Also:

By Sunset Committee:

H. J. R. 146. PROVIDING FOR THE CONTINUED EXISTENCE OF THE SYLACAUGA NURSES TRAINING SCHOOL.

Also:

By Sunset Committee:

H. J. R. 147. PROVIDING FOR THE CONTINUED EXISTENCE OF THE TALLACOOSA HIGHLAND LAKE ASSOCIATION.

Also:

By Sunset Committee:

H. J. R. 148. PROVIDING FOR THE CONTINUED EXISTENCE OF THE TANNEHILL FURNACE & FOUNDRY COMMISSION.

Also:

By Sunset Committee:

H. J. R. 150. PROVIDING FOR THE CONTINUED EXISTENCE OF THE TECHNICAL COLLEGE DIVISION (DEPARTMENT OF EDUCATION).

Also:

By Sunset Committee:

H. J. R. 152. PROVIDING FOR THE CONTINUED EXISTENCE OF THE TENNESSEE-TOMBIGBEE WATER DEVELOPMENT AUTHORITY.

Also:

By Sunset Committee:

H. J. R. 153. PROVIDING FOR THE CONTINUED EXISTENCE OF THE TERRAPIN CREEK WATERSHED CONSERVANCY.

Also:

By Sunset Committee:

H. J. R. 154. PROVIDING FOR THE CONTINUED EXISTENCE OF THE TRI-RIVERS WATERWAY DEVELOPMENT AUTHORITY.

Also:

By Sunset Committee:

H. J. R. 155. PROVIDING FOR THE CONTINUED EXISTENCE OF TROY STATE UNIVERSITY.

Also:

By Sunset Committee:

H. J. R. 156. PROVIDING FOR THE CONTINUED EXISTENCE OF TUSCALOOSA STATE TECHNICAL COLLEGE.

Also:

By Sunset Committee:

H. J. R. 157. PROVIDING FOR THE CONTINUED EXISTENCE OF THE TUSKEGEE INSTITUTE.

Also:

By Sunset Committee:

H. J. R. 158. PROVIDING FOR THE CONTINUED EXISTENCE OF THE UNIVERSITY OF ALABAMA SYSTEM.

Also:

By Sunset Committee:

H. J. R. 159. PROVIDING FOR THE CONTINUED EXISTENCE OF THE UNIVERSITY OF MONTEVALLO.

Also:

By Sunset Committee:

H. J. R. 160. PROVIDING FOR THE CONTINUED EXISTENCE OF THE UNIVERSITY OF NORTH ALABAMA.

Also:

By Sunset Committee:

H. J. R. 161. PROVIDING FOR THE CONTINUED EXISTENCE OF THE U.S.S. BATTLESHIP COMMISSION.

Also:

By Sunset Committee:

H. J. R. 162. PROVIDING FOR THE CONTINUED EXISTENCE OF THE VETERANS DAY PROMOTION IN ALABAMA, BIRMINGHAM.

Also:

By Sunset Committee:

H. J. R. 163. PROVIDING FOR THE CONTINUED EXISTENCE OF WALKER COLLEGE.

Also:

By Sunset Committee:

H. J. R. 164. PROVIDING FOR THE CONTINUED EXISTENCE OF WALKER STATE TECHNICAL COLLEGE.

Also:

By Sunset Committee:

H. J. R. 165. PROVIDING FOR THE CONTINUED EXISTENCE OF THE GADSDEN STATE JUNIOR COLLEGE.

Also:

By Sunset Committee:

H. J. R. 166. PROVIDING FOR THE CONTINUED EXISTENCE OF GADSDEN STATE TECHNICAL COLLEGE.

Also:

By Sunset Committee:

H. J. R. 167. PROVIDING FOR THE CONTINUED EXISTENCE OF THE GEOLOGICAL SURVEY OF ALABAMA.

Also:

By Sunset Committee:

H. J. R. 168. PROVIDING FOR THE CONTINUED EXISTENCE OF THE GEORGE C. WALLACE STATE COMMUNITY COLLEGE (DOTHAN).

Also:

By Sunset Committee:

H. J. R. 169. PROVIDING FOR THE CONTINUED EXISTENCE OF THE GEORGE C. WALLACE STATE COMMUNITY COLLEGE (HANCEVILLE).

Also:

By Sunset Committee:

H. J. R. 170. PROVIDING FOR THE CONTINUED EXISTENCE OF THE GEORGE C. WALLACE STATE COMMUNITY COLLEGE (SELMA).

Also:

By Sunset Committee:

H. J. R. 171. PROVIDING FOR THE CONTINUED EXISTENCE OF THE GORGAS MEMORIAL (UNIVERSITY OF ALABAMA).

Also:

By Sunset Committee:

H. J. R. 172. PROVIDING FOR THE CONTINUED EXISTENCE OF THE GOVERNOR'S COMMITTEE ON STATE REORGANIZATION.

Also:

By Sunset Committee:

H. J. R. 173. PROVIDING FOR THE CONTINUED EXISTENCE OF THE GOVERNOR'S MANSION ADVISORY BOARD.

Also:

By Sunset Committee:

H. J. R. 174. PROVIDING FOR THE CONTINUED EXISTENCE OF HANK WILLIAMS MEMORIAL COMMISSION.

Also:

By Sunset Committee:

H. J. R. 175. PROVIDING FOR THE CONTINUED EXISTENCE OF HARRY M. AYERS STATE TECHNICAL COLLEGE.

Also:

By Sunset Committee:

H. J. R. 176. PROVIDING FOR THE CONTINUED EXISTENCE OF THE HELEN KELLER PROPERTY BOARD.

Also:

By Sunset Committee:

H. J. R. 177. PROVIDING FOR THE CONTINUED EXISTENCE OF THE HISTORICAL COMMISSION.

Also:

By Sunset Committee:

H. J. R. 178. PROVIDING FOR THE CONTINUED EXISTENCE OF J. F. INGRAM STATE TECHNICAL INSTITUTE.

Also:

By Sunset Committee:

H. J. R. 179. PROVIDING FOR THE CONTINUED EXISTENCE OF THE JACKSONVILLE STATE UNIVERSITY.

Also:

By Sunset Committee:

H. J. R. 180. PROVIDING FOR THE CONTINUED EXISTENCE OF THE JAMES H. FAULKNER STATE JUNIOR COLLEGE.

Also:

By Sunset Committee:

H. J. R. 181. PROVIDING FOR THE CONTINUED EXISTENCE OF THE JEFFERSON DAVIS STATE JUNIOR COLLEGE.

Also:

By Sunset Committee:

H. J. R. 182. PROVIDING FOR THE CONTINUED EXISTENCE OF THE JEFFERSON STATE JUNIOR COLLEGE.

Also:

By Sunset Committee:

H. J. R. 183. PROVIDING FOR THE CONTINUED EXISTENCE OF THE JOHN C. CALHOUN STATE COMMUNITY COLLEGE.

Also:

By Sunset Committee:

H. J. R. 184. PROVIDING FOR THE CONTINUED EXISTENCE OF JOHN M. PATTERSON STATE TECHNICAL COLLEGE.

Also:

By Sunset Committee:

H. J. R. 185. PROVIDING FOR THE CONTINUED EXISTENCE OF THE JUNIOR COLLEGE BRANCH OF DEPARTMENT OF EDUCATION.

Also:

By Sunset Committee:

H. J. R. 187. PROVIDING FOR THE CONTINUED EXISTENCE OF THE LaGRANGE HISTORICAL COMMISSION.

Also:

By Sunset Committee:

H. J. R. 188. PROVIDING FOR THE CONTINUED EXISTENCE OF THE LAWSON STATE COMMUNITY COLLEGE.

Also:

By Sunset Committee:

H. J. R. 189. PROVIDING FOR THE CONTINUED EXISTENCE OF THE LEGISLATIVE COUNCIL.

Also:

By Sunset Committee:

H. J. R. 190. PROVIDING FOR THE CONTINUED EXISTENCE OF THE LEGISLATIVE FISCAL OFFICE.

Also:

By Sunset Committee:

H. J. R. 191. PROVIDING FOR THE CONTINUED EXISTENCE OF THE LEGISLATIVE REFERENCE SERVICE.

Also:

By Sunset Committee:

H. J. R. 192. PROVIDING FOR THE CONTINUED EXISTENCE OF THE LIVE IN A LANDMARK COUNCIL.

Also:

By Sunset Committee:

H. J. R. 193. PROVIDING FOR THE CONTINUED EXISTENCE OF THE LIVINGSTON STATE UNIVERSITY.

Also:

By Sunset Committee:

H. J. R. 195. PROVIDING FOR THE CONTINUED EXISTENCE OF THE LURLEEN B. WALLACE STATE JUNIOR COLLEGE.

Also:

By Sunset Committee:

H. J. R. 196. PROVIDING FOR THE CONTINUED EXISTENCE OF THE LYMAN WARD MILITARY ACADEMY.

Also:

By Sunset Committee:

H. J. R. 197. PROVIDING FOR THE CONTINUED EXISTENCE OF THE MARION INSTITUTE.

Also:

By Sunset Committee:

H. J. R. 198. PROVIDING FOR THE CONTINUED EXISTENCE OF THE MEAT AND POULTRY INSPECTION ADVISORY COUNCIL.

Also:

By Sunset Committee:

H. J. R. 199. PROVIDING FOR THE CONTINUED EXISTENCE OF THE MEDICAL SCHOLARSHIP AWARDS.

Also:

By Sunset Committee:

H. J. R. 200. PROVIDING FOR THE CONTINUED EXISTENCE OF THE MONTGOMERY INSTITUTE FOR NEUROLOGICAL DEVELOPMENT.

Also:

By Sunset Committee:

H. J. R. 201. PROVIDING FOR THE CONTINUED EXISTENCE OF THE MOTION PICTURE AND TELEVISION ADVISORY COMMISSION.

Also:

By Sunset Committee:

H. J. R. 202. PROVIDING FOR THE CONTINUED EXISTENCE OF THE MOUNTAIN LAKES ASSOCIATION.

Also:

By Sunset Committee:

H. J. R. 203. PROVIDING FOR THE CONTINUED EXISTENCE OF MUSCLE SHOALS TECHNICAL INSTITUTE.

Also:

By Sunset Committee:

H. J. R. 204. PROVIDING FOR THE CONTINUED EXISTENCE OF THE NATIONAL VETERANS DAY.

Also:

By Sunset Committee:

H. J. R. 205. PROVIDING FOR THE CONTINUED EXISTENCE OF THE NORTHEAST ALABAMA STATE JUNIOR COLLEGE.

Also:

By Sunset Committee:

H. J. R. 206. PROVIDING FOR THE CONTINUED EXISTENCE OF THE NORTHWEST ALABAMA STATE JUNIOR COLLEGE.

Also:

By Sunset Committee:

H. J. R. 207. PROVIDING FOR THE CONTINUED EXISTENCE OF NORTHWEST ALABAMA STATE TECHNICAL COLLEGE.

Also:

By Sunset Committee:

H. J. R. 208. PROVIDING FOR THE CONTINUED EXISTENCE OF N. F. NUNNELLEY STATE TECHNICAL COLLEGE.

Also:

By Sunset Committee:

H. J. R. 209. PROVIDING FOR THE CONTINUED EXISTENCE OF THE OFFICE OF PROSECUTION SERVICES.

Also:

By Sunset Committee:

H. J. R. 210. PROVIDING FOR THE CONTINUED EXISTENCE OF THE OFFICE OF SPACE MANAGEMENT.

Also:

By Sunset Committee:

H. J. R. 211. PROVIDING FOR THE CONTINUED EXISTENCE OF THE OFFICE OF THE COORDINATOR OF HIGHWAY & TRAFFIC SAFETY.

Also:

By Sunset Committee:

H. J. R. 212. PROVIDING FOR THE CONTINUED EXISTENCE OF OPELIKA STATE TECHNICAL COLLEGE.

Also:

By Sunset Committee:

H. J. R. 213. PROVIDING FOR THE CONTINUED EXISTENCE OF THE PATRICK HENRY STATE JUNIOR COLLEGE.

Also:

By Sunset Committee:

H. J. R. 214. PROVIDING FOR THE CONTINUED EXISTENCE OF THE PERMANENT STUDY COMMITTEE ON ALABAMA'S JUDICIAL SYSTEM.

Also:

By Sunset Committee:

H. J. R. 216. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ADVISORY COUNCIL ON ALCOHOLISM & DRUG ABUSE.

Also:

By Sunset Committee:

H. J. R. 217. PROVIDING FOR THE CONTINUED EXISTENCE OF THE AGRICULTURAL AND INDUSTRIAL EXHIBIT COMMISSION.

Also:

By Sunset Committee:

H. J. R. 218. PROVIDING FOR THE CONTINUED EXISTENCE OF THE AGRICULTURAL CENTER BOARD.

Also:

By Sunset Committee:

H. J. R. 219. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA A & M UNIVERSITY.

Also:

By Sunset Committee:

H. J. R. 220. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA ACADEMY OF HONOR.

Also:

By Sunset Committee:

H. J. R. 221. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA ADVISORY COUNCILS ON VOCATIONAL EDUCATION.

Also:

By Sunset Committee:

H. J. R. 222. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA AGRICULTURAL CENTER CORPORATION.

Also:

By Sunset Committee:

H. J. R. 223. PROVIDING FOR THE CONTINUED EXISTENCE OF ALABAMA AVIATION AND TECHNICAL COLLEGE.

Also:

By Sunset Committee:

H. J. R. 225. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA BUILDING CORPORATION.

Also:

By Sunset Committee:

H. J. R. 226. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA BUILDING FINANCE AUTHORITY.

Also:

By Sunset Committee:

H. J. R. 227. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA COMMISSION ON HIGHER EDUCATION.

Also:

By Sunset Committee:

H. J. R. 229. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA COUNCIL ON THE ARTS & HUMANITIES.

Also:

By Sunset Committee:

H. J. R. 230. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA DEPARTMENT OF ARCHIVES AND HISTORY.

Also:

By Sunset Committee:

H. J. R. 231. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA DEVELOPMENT OFFICE.

Also:

By Sunset Committee:

H. J. R. 232. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA DIVERSION INVESTIGATIVE UNIT.

Also:

By Sunset Committee:

H. J. R. 233. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA EDUCATION AUTHORITY.

Also:

By Sunset Committee:

H. J. R. 234. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA HALL OF FAME.

Also:

By Sunset Committee:

H. J. R. 235. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA HIGH SCHOOL OF FINE ARTS.

Also:

By Sunset Committee:

H. J. R. 236. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA LAW INSTITUTE.

Also:

By Sunset Committee:

H. J. R. 237. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA OCCUPATIONAL INFORMATION SYSTEM.

Also:

By Sunset Committee:

H. J. R. 238. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA PEACE OFFICER'S ANNUITY & BENEFIT FUND.

Also:

By Sunset Committee:

H. J. R. 239. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA PLANNING AND ADVISORY COUNCIL FOR DEVELOPMENTAL DISABILITIES SERVICE AND FACILITIES.

Also:

By Sunset Committee:

H. J. R. 240. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA POLLUTION CONTROL FINANCE AUTHORITY.

Also:

By Sunset Committee:

H. J. R. 241. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA POST SECONDARY 1202 COMMISSION.

Also:

By Sunset Committee:

H. J. R. 242. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA PUBLIC SCHOOL AND COLLEGE AUTHORITY.

Also:

By Sunset Committee:

H. J. R. 244. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA STATE HOSPITALS AND PARTLOW STATE SCHOOL BOND COMMISSION.

Also:

By Sunset Committee:

H. J. R. 245. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA STATE UNIVERSITY.

Also:

By Sunset Committee:

H. J. R. 246. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA STEER ASSOCIATION.

Also:

By Sunset Committee:

H. J. R. 247. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA TECHNICAL COLLEGE.

Also:

By Sunset Committee:

H. J. R. 248. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA WOMEN'S COMMISSION.

Also:

By Sunset Committee:

H. J. R. 249. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA WOMEN'S HALL OF FAME.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 110, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 24; Nays 0.

Yeas:

Messrs. Bank, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Powell, Roberts, St. John, Vacca, Wilson.

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Nays:

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 111, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 112, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 113, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 114, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 115, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976

Regular Session, the Resolution, H. J. R. 118, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 119, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 120, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 121, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays: —0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 122, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays: —0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 123, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays: —0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 125, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays: —0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 126, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore,

Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 127, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 128, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 129, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 130, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 132, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 133, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 134, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976

Regular Session, the Resolution, H. J. R. 136, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 137, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 138, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 139, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays: —0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 140, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays: —0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 141, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays: —0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 142, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays: —0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 143, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore,

Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 144, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 145, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 146, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 147, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 148, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 150, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 152, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976

Regular Session, the Resolution, H. J. R. 153, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 154, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 155, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 156, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays: —0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 157, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays: —0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 158, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays: —0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 159, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays: —0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 160, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore,

Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 161, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 162, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 163, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 164, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 165, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 166, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 167, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976

Regular Session, the Resolution, H. J. R. 168, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 169, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 170, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 171, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan,

Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 172, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 173, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 174, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 175, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 176, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 177, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 178, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 179, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 180, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 181, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 182, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 183, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 184, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 185, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 187, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore,

Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 188, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 189, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 190, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 191, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 192, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 193, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 195, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976

Regular Session, the Resolution, H. J. R. 196, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 197, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 198, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 199, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays: —0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 200, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays: —0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 201, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays: —0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 202, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays: —0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 203, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore,

Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 204, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 205, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 206, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 207, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 208, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 209, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 210, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976

Regular Session, the Resolution, H. J. R. 211, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 212, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 213, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 214, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays: —0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 216, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays: —0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 217, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays: —0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 218, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays: —0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 219, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 220, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 221, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.—

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 222, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 223, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 225, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 226, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 227, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays: —0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 229, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays: —0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 230, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays: —0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 231, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays: —0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 232, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore,

Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 233, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 234, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 235, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 236, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 237, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 238, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 239, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976

Regular Session, the Resolution, H. J. R. 240, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 241, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 242, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 244, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 245, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 246, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 247, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 248, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore,

Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 249, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Sunset Committee:

H. J. R. 266. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BOARD OF COMPROMISE.

Also:

By Sunset Committee:

H. J. R. 267. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BOARD OF DENTAL SCHOLARSHIP AWARDS.

Also:

By Sunset Committee:

H. J. R. 268. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BOARD OF PLUMBING EXAMINERS.

Also:

By Sunset Committee:

H. J. R. 269. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BOARD OF TRUSTEES, ARCHIVES AND HISTORY DEPARTMENT.

Also:

By Sunset Committee:

H. J. R. 270. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BOND COMMISSION 1951.

Also:

By Sunset Committee:

H. J. R. 271. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BREWER STATE JUNIOR COLLEGE.

Also:

By Sunset Committee:

H. J. R. 272. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BUILDING COMMISSION.

Also:

By Sunset Committee:

H. J. R. 273. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BUREAU OF PUBLICITY AND INFORMATION (DEPARTMENT AND BOARD).

Also:

By Sunset Committee:

H. J. R. 274. PROVIDING FOR THE CONTINUED EXISTENCE OF THE CAHABA RIVER COMMISSION.

Also:

By Sunset Committee:

H. J. R. 275. PROVIDING FOR THE CONTINUED EXISTENCE OF THE CAMP SANITATION AND SAFETY ADVISORY COMMITTEE.

Also:

By Sunset Committee:

H. J. R. 276. PROVIDING FOR THE CONTINUED EXISTENCE OF CARVER STATE TECHNICAL TRADE SCHOOL.

Also:

By Sunset Committee:

H. J. R. 277. PROVIDING FOR THE CONTINUED EXISTENCE OF THE CHATTAHOOCHEE HISTORIC COMMISSION.

Also:

By Sunset Committee:

H. J. R. 278. PROVIDING FOR THE CONTINUED EXISTENCE OF THE CHATTAHOOCHEE VALLEY COMMUNITY COLLEGE.

Also:

By Sunset Committee:

H. J. R. 279. PROVIDING FOR THE CONTINUED EXISTENCE OF CHAUNCEY SPARKS STATE TECHNICAL COLLEGE.

Also:

By Sunset Committee:

H. J. R. 280. PROVIDING FOR THE CONTINUED EXISTENCE OF THE CHOCCOLOCCO WATERSHED ASSOCIATION.

Also:

By Sunset Committee:

H. J. R. 281. PROVIDING FOR THE CONTINUED EXISTENCE OF THE CHOCTAWHATCHEE WATERSHED CONSERVANCY DISTRICT.

Also:

By Sunset Committee:

H. J. R. 282. PROVIDING FOR THE CONTINUED EXISTENCE OF THE CODE REVISION COMMISSION.

Also:

By Sunset Committee:

H. J. R. 283. PROVIDING FOR THE CONTINUED EXISTENCE OF THE COMMISSION ON AGING (DEPARTMENT AND COMMISSION).

Also:

By Sunset Committee:

H. J. R. 284. PROVIDING FOR THE CONTINUED EXISTENCE OF THE COMMISSION ON UNIFORM STATE LAWS.

Also:

By Sunset Committee:

H. J. R. 286. PROVIDING FOR THE CONTINUED EXISTENCE OF THE CONSUMER PROTECTION AGENCY.

Also:

By Sunset Committee:

H. J. R. 288. PROVIDING FOR THE CONTINUED EXISTENCE OF THE COOSA-ALABAMA DEVELOPMENT AUTHORITY.

Also:

By Sunset Committee:

H. J. R. 289. PROVIDING FOR THE CONTINUED EXISTENCE OF THE CORPORATION FOR THE BORROWING FOR SCHOOLS.

Also:

By Sunset Committee:

H. J. R. 290. PROVIDING FOR THE CONTINUED EXISTENCE OF THE CORRECTIONS INSTITUTION FINANCE AUTHORITY.

Also:

By Sunset Committee:

H. J. R. 291. PROVIDING FOR THE CONTINUED EXISTENCE OF THE COUNCIL OF ALABAMA ARCHAEOLOGY.

Also:

By Sunset Committee:

H. J. R. 292. PROVIDING FOR THE CONTINUED EXISTENCE OF COUNCIL TRENHOLM STATE TECHNICAL COLLEGE.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 266, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 267, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 268, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore,

Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 269, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 270, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 271, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 272, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 273, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 274, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 275, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 276, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 277, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 278, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 279, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan,

Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 280, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 281, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 282, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 283, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 284, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 286, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 288, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 289, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 290, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 291, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 292, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Sunset Committee:

H. J. R. 359. PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE BOARD OF POLYGRAPH EXAMINERS.

Also:

By Sunset Committee:

H. J. R. 360. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA STATE BAR AND ALABAMA BOARD OF BAR EXAMINERS.

Also:

By Sunset Committee:

H. J. R. 361. PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATION.

Also:

By Sunset Committee:

H. J. R. 362. PROVIDING FOR THE CONTINUED EXISTENCE OF THE MOTOR SPORTS HALL OF FAME.

Also:

By Sunset Committee:

H. J. R. 363. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ORGANIZED CRIME CONTROL COUNCIL.

Also:

By Sunset Committee:

H. J. R. 364. PROVIDING FOR THE CONTINUED EXISTENCE OF THE TALLASSEEHATCHEE WATERSHED.

Also:

By Sunset Committee:

H. J. R. 365. PROVIDING FOR THE CONTINUED EXISTENCE OF THE PEA RIVER HISTORICAL AND GENEALOGICAL SOCIETY.

Also:

By Sunset Committee:

H. J. R. 366. PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE OFFICE OF EMERGENCY PLANNING.

Also:

By Sunset Committee:

H. J. R. 368. PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE BOARD OF EDUCATION.

Also:

By Sunset Committee:

H. J. R. 369. PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE DEPARTMENT OF EDUCATION.

Also:

By Sunset Committee:

H. J. R. 370. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ADVISORY COUNCIL FOR THE GOVERNOR'S COMMITTEE ON THE EMPLOYMENT OF THE HANDICAPPED.

Also:

By Sunset Committee:

H. J. R. 371. PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE TEXTBOOK COMMISSION.

Also:

By Sunset Committee:

H. J. R. 372. PROVIDING FOR THE CONTINUED EXISTENCE OF THE COURSES OF STUDY COMMITTEE.

Also:

By Sunset Committee:

H. J. R. 373. PROVIDING FOR THE CONTINUED EXISTENCE OF THE SOUTHERN REGIONAL EDUCATION BOARD.

Also:

By Sunset Committee:

H. J. R. 374. PROVIDING FOR THE CONTINUED EXISTENCE OF THE HIGH SCHOOL ATHLETIC ASSOCIATION.

Also:

By Sunset Committee:

H. J. R. 380. PROVIDING FOR THE CONTINUED EXISTENCE OF THE SUPREME COURT LIBRARY FUND.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976

Regular Session, the Resolution, H. J. R. 359, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 360, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 361, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 362, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays: —0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 363, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays: —0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 364, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays: —0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 365, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays: —0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 366, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore,

Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 368, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 369, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 370, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 371, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 372, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 373, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 374, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976

Regular Session, the Resolution, H. J. R. 380, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Sunset Committee:

H. J. R. 381. PROVIDING FOR THE CONTINUED EXISTENCE OF THE UNIFIED JUDICIAL SYSTEM.

Also:

By Sunset Committee:

H. J. R. 383. PROVIDING FOR THE CONTINUED EXISTENCE OF THE JUDICIAL RETIREMENT.

Also:

By Sunset Committee:

H. J. R. 384. PROVIDING FOR THE CONTINUED EXISTENCE OF THE INTERSTATE MINING COMPACT.

Also:

By Sunset Committee:

H. J. R. 385. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA BOARD OF FUNERAL SERVICES.

Also:

By Sunset Committee:

H. J. R. 386. PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE BOARD OF CHIROPRACTIC EXAMINERS.

Also:

By Sunset Committee:

H. J. R. 387. PROVIDING FOR THE CONTINUED EXISTENCE OF THE UNIVERSITY OF ALABAMA MUSEUM.

Also:

By Sunset Committee:

H. J. R. 388. PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE PILOTAGE COMMISSION.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 381, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 383, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 384, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976

Regular Session, the Resolution, H. J. R. 385, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 29; Nays 1.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nay: Mr. Little

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 386, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 387, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 388, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Sunset Committee:

H. J. R. 293. PROVIDING FOR THE CONTINUED EXISTENCE OF THE COUNTY RECORDS COMMISSION.

Also:

By Sunset Committee:

H. J. R. 294. PROVIDING FOR THE CONTINUED EXISTENCE OF THE CROOKED CREEK WATERSHED.

Also:

By Sunset Committee:

H. J. R. 295. PROVIDING FOR THE CONTINUED EXISTENCE OF THE DAUPHIN ISLAND PARK AND BEACH BOARD.

Also:

By Sunset Committee:

H. J. R. 296. PROVIDING FOR THE CONTINUED EXISTENCE OF THE DEAF AND BLIND INSTITUTE.

Also:

By Sunset Committee:

H. J. R. 299. PROVIDING FOR THE CONTINUED EXISTENCE OF THE DOCKS ADVISORY COMMITTEE.

Also:

By Sunset Committee:

H. J. R. 300. PROVIDING FOR THE CONTINUED EXISTENCE OF DOUGLAS MACARTHUR STATE TECHNICAL COLLEGE.

Also:

By Sunset Committee:

H. J. R. 301. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BOARD OF MEDICAL EXAMINERS.

Also:

By Sunset Committee:

H. J. R. 302. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BOARD OF NURSING AND NURSING ADVISORY COUNCIL.

Also:

By Sunset Committee:

H. J. R. 303. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BOARD OF DENTAL EXAMINERS.

Also:

By Sunset Committee:

H. J. R. 304. PROVIDING FOR THE CONTINUED EXISTENCE OF THE LICENSING BOARD FOR THE HEALING ARTS.

Also:

By Sunset Committee:

H. J. R. 305. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BOARD OF OPTOMETRY.

Also:

By Sunset Committee:

H. J. R. 306. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BOARD OF REGISTRATION FOR ARCHITECTS.

Also:

By Sunset Committee:

H. J. R. 307. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BOARD OF EXAMINERS OF LANDSCAPE ARCHITECTS.

Also:

By Sunset Committee:

H. J. R. 308. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BOARD FOR REGISTRATION OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS.

Also:

By Sunset Committee:

H. J. R. 309. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BOARD OF REGISTRATION FOR FORESTERS.

Also:

By Sunset Committee:

H. J. R. 310. PROVIDING FOR THE CONTINUED EXISTENCE OF THE PEACE OFFICERS PERSONNEL STANDARDS AND TRAINING COMMISSION.

Also:

By Sunset Committee:

H. J. R. 311. PROVIDING FOR THE CONTINUED EXISTENCE OF THE LICENSING BOARD FOR GENERAL CONTRACTORS.

Also:

By Sunset Committee:

H. J. R. 312. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ART COMMISSION.

Also:

By Sunset Committee:

H. J. R. 313. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA PUBLIC LIBRARY SERVICE.

Also:

By Sunset Committee:

H. J. R. 314. PROVIDING FOR THE CONTINUED EXISTENCE OF THE GULF STATE MARINE FISHERIES COMMISSION.

Also:

By Sunset Committee:

H. J. R. 315. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BUILDING AUTHORITY.

Also:

By Sunset Committee:

H. J. R. 318. PROVIDING FOR THE CONTINUED EXISTENCE OF THE GOVERNOR'S ADVISORY COMMITTEE ON PORNOGRAPHY.

Also:

By Sunset Committee:

H. J. R. 319. PROVIDING FOR THE CONTINUED EXISTENCE OF THE NATIONAL GOVERNOR'S CONFERENCE.

Also:

By Sunset Committee:

H. J. R. 320. PROVIDING FOR THE CONTINUED EXISTENCE OF THE GOVERNOR'S COST CONTROL SURVEY.

Also:

By Sunset Committee:

H. J. R. 321. PROVIDING FOR THE CONTINUED EXISTENCE OF THE SOUTHERN GROWTH POLICIES BOARD.

Also:

By Sunset Committee:

H. J. R. 322. PROVIDING FOR THE CONTINUED EXISTENCE OF THE UNIVERSITY OF SOUTH ALABAMA.

Also:

By Sunset Committee:

H. J. R. 323. PROVIDING FOR THE CONTINUED EXISTENCE OF THE UNIVERSITY OF SOUTH ALABAMA MEDICAL SCHOOL AND TEACHING HOSPITAL.

Also:

By Sunset Committee:

H. J. R. 324. PROVIDING FOR THE CONTINUED EXISTENCE OF THE MARINE ENVIRONMENTAL SCIENCES CONSORTIUM.

Also:

By Sunset Committee:

H. J. R. 325. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BOARD OF BARBER EXAMINERS.

Also:

By Sunset Committee:

H. J. R. 326. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BOARD OF CERTIFICATION OF WATER AND WASTE WATER SYSTEM PERSONNEL.

Also:

By Sunset Committee:

H. J. R. 327. PROVIDING FOR THE CONTINUED EXISTENCE OF THE EXAMINERS OF MINE PERSONNEL.

Also:

By Sunset Committee:

H. J. R. 328. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BOARD OF PUBLIC ACCOUNTANCY.

Also:

By Sunset Committee:

H. J. R. 329. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BOARD OF PHARMACY.

Also:

By Sunset Committee:

H. J. R. 330. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BOARD OF HEARING AID DEALERS.

Also:

By Sunset Committee:

H. J. R. 331. PROVIDING FOR THE CONTINUED EXISTENCE OF THE COUNCIL OF STATE GOVERNMENTS.

Also:

By Sunset Committee:

H. J. R. 333. PROVIDING FOR THE CONTINUED EXISTENCE OF THE LINE CREEK WATERSHED CONSERVANCY DISTRICT.

Also:

By Sunset Committee:

H. J. R. 334. PROVIDING FOR THE CONTINUED EXISTENCE OF THE KETCHEPEDRAKEE CREEK WATERSHED CONSERVANCY DISTRICT.

Also:

By Sunset Committee:

H. J. R. 336. PROVIDING FOR THE CONTINUED EXISTENCE OF THE PREVAILING WAGE COMMISSION.

Also:

By Sunset Committee:

H. J. R. 337. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BOARD OF MEDIATION.

Also:

By Sunset Committee:

H. J. R. 338. PROVIDING FOR THE CONTINUED EXISTENCE OF THE INDUSTRIAL SECURITIES ADVISORY COUNCIL.

Also:

By Sunset Committee:

H. J. R. 339. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ENERGY ADVISORY COUNCIL.

Also:

By Sunset Committee:

H. J. R. 340. PROVIDING FOR THE CONTINUED EXISTENCE OF THE CIVIL AIR PATROL.

Also:

By Sunset Committee:

H. J. R. 341. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BOND COMMISSION FOR CONSTRUCTION OF MENTAL HEALTH FACILITIES.

Also:

By Sunset Committee:

H. J. R. 342. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA TRADE SCHOOL AND JUNIOR COLLEGE AUTHORITY.

Also:

By Sunset Committee:

H. J. R. 343. PROVIDING FOR THE CONTINUED EXISTENCE OF THE WHITE HOUSE OF THE CONFEDERACY.

Also:

By Sunset Committee:

H. J. R. 345. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA MILITARY HALL OF FAME.

Also:

By Sunset Committee:

H. J. R. 346. PROVIDING FOR THE CONTINUED EXISTENCE OF THE FIREFIGHTERS PERSONNEL STANDARDS AND EDUCATION COMMISSION.

Also:

By Sunset Committee:

H. J. R. 347. PROVIDING FOR THE CONTINUED EXISTENCE OF THE REGISTRATION FOR SANITARIANS.

Also:

By Sunset Committee:

H. J. R. 348. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA BOARD OF EXAMINERS IN PSYCHOLOGY.

Also:

By Sunset Committee:

H. J. R. 349. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BOARD OF MEDICAL TECHNICIANS EXAMINERS.

Also:

By Sunset Committee:

H. J. R. 350. PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE BOARD OF PODIATRY.

Also:

By Sunset Committee:

H. J. R. 351. PROVIDING FOR THE CONTINUED EXISTENCE OF THE COUNCIL ON HISTORIC PILGRIMAGES.

Also:

By Sunset Committee:

H. J. R. 352. PROVIDING FOR THE CONTINUED EXISTENCE OF THE HISTORIC RESOURCES ADAPTORS COUNCIL.

Also:

By Sunset Committee:

H. J. R. 354. PROVIDING FOR THE CONTINUED EXISTENCE OF THE JOHN WILL SCHOLARSHIP.

Also:

By Sunset Committee:

H. J. R. 357. PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE BOARD OF PHYSICAL THERAPY.

Also:

By Sunset Committee:

H. J. R. 358. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA REAL ESTATE COMMISSION.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 293, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 294, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 295, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 296, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 299, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 300, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976

Regular Session, the Resolution, H. J. R. 301, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 302, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 303, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 304, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 305, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 306, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 307, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 308, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore,

Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 309, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 310, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 311, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 312, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 313, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 314, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 315, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976

Regular Session, the Resolution, H. J. R. 318, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 319, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 320, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 321, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 322, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 323, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 324, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 325, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore,

Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 326, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 327, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 328, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 329, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 330, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 331, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 333, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976

Regular Session, the Resolution, H. J. R. 334, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 336, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 337, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

—0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 338, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays: —0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 339, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays: —0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 340, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays: —0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 341, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays: —0

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 342, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore,

Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 343, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 345, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 346, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 347, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 348, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 349, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 350, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976

Regular Session, the Resolution, H. J. R. 351, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 352, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 354, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

—30

Nays:

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 357, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 358, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Wilson.

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Nays:

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ADJOURNMENT

At 4 o'clock P.M., on motion of Mr. Owen, pending further consideration of the Sunset Resolutions, the Senate adjourned until Thursday, February 23, 1978, at 11 o'clock A.M.

THIRTEENTH LEGISLATIVE DAY

THURSDAY, FEBRUARY 23, 1978

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

PRAYER

The Session was opened with prayer by the Reverend Frank E. Martin, Pastor, Evangel Temple, Montgomery, Alabama.

ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Vacca, Waldrop, Wilson.

—34

JOURNAL

On motion of Mr. Peden, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said

Committee, in Session, has carefully examined the Journal of the Senate for the Twelfth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

U. L. CLEMON,
Chairman.

COMMITTEE REPORT

On motion of Mr. Clemon, the foregoing report was concurred in and the Journal of the Senate for the Twelfth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. Peden, leave of absence was granted Mr. Teague for today.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Sunset Committee:

H. J. R. 298. PROVIDING FOR THE CONTINUANCE OF THE DEPARTMENT AND BOARD OF YOUTH SERVICES.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Department and Board of Youth Services; and

WHEREAS, following a review and evaluation relative to the continued existence of the Department and Board of Youth Services, the committee voted to recommend continuance of the Department and Board of Youth Services; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Department and Board of Youth Services, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby continued.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 298, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 26; Nays 3.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Powell, Proctor, St. John, Shelby, Waldrop, Wilson.

—26

Nays: Messrs. Ellis, Gilmore, Peden.

—3

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Sunset Committee:

H. J. R. 124. PROVIDING FOR THE CONTINUATION OF THE RIVERBOAT ASSOCIATION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Riverboat Association; and

WHEREAS, following a review and evaluation relative to the continued existence of the Riverboat Association, the committee voted to recommend continuation of the Riverboat Association; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Riverboat Association, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby continued.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 124, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 28; Nays 1.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Miller, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Waldrop.

—28

Nay: Mr. Higginbotham.

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MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Sunset Committee:

H. J. R. 135. PROVIDING FOR THE CONTINUATION OF THE STATE BOARD OF AUCTIONEERS.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the State Board of Auctioneers; and

WHEREAS, following a review and evaluation relative to the continued existence of the State Board of Auctioneers, the committee voted to recommend continuation of the State Board of Auctioneers; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State Board of Auctioneers, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby continued.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Owen, pursuant to the provisions of Act 512, 1976 Regular Session, the Resolution, H. J. R. 135, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Gilmore, Higginbotham, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Miller, Mims, Noonan, Owen, Pearson, Peden, Perloff, Powell, Proctor, St. John, Shelby.

—25

Nays:

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SPECIAL ORDER

BILLS ON THIRD READING

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, (S.R. 362, set out in the Journal of the Senate on the Ninth Legislative Day), the first item of which was the Bill:

S. 298. To provide for the compensation of certain district attorneys in this state; to provide for a certain county salary supplement in lieu of present expense allowances and supplements for such district attorneys.

And said Bill, S. B. 298, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Celmon, Edwards, Ellis, Fine, Gilmore, Goodwin, Jones, King, Little, McDonald (S), Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Waldrop.

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Nays:

—0

The Bill:

S. 491. To authorize, provide for and regulate the establishment and operation of a pension and retirement system for employees of the City of Childersburg and certain municipal boards of such city; to authorize and provide for the establishment of the Childersburg Employees Pension Trust Fund, provide for the composition, management and administration of such trust funds; and to authorize, provide for and regulate the payments of benefits under the system.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Goodwin, Jones, King, Little, McDonald (S), Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Proctor, St. John, Stewart, Vacca, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

S. 527. To apply in Jefferson County, Alabama, and to authorize the County Board of Health in such county to solicit, receive, hold or dispose of by sale or otherwise any gifts, grants, devises and bequests of money, real estate or any other thing of value and to use Jefferson County Board of Health funds to match or supplement any such gifts, grants, devises and bequests of money, real estate or any other thing of value to carry out the purpose or purposes for which any such gifts, grant, devise or bequest of money, real estate or other thing of value was given or granted; to further authorize said Board to purchase, sell or exchange any real or personal property needed to carry out the functions of said Board.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Gilmore, Higginbotham, Jones, King, McDonald (S), McMillan, Miller, Mims, Noonan, Owen, Pearson, Perloff, Perry, Proctor, Roberts, Shelby, Stewart, Vacca, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

S. 164. Relating to all cities having a population of 5,268 inhabitants according to the 1977 federal special census or any subsequent federal decennial census, providing for the election by popular vote of the members of the city board of education; prescribing the terms, qualifications and compensation, abolishing the existing city of education and repealing all conflicting statutes.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Gilmore, Goodwin, Higginbotham, King, Little, McDonald (S), Miller, Mims, Mitchell, Owen, Peden, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Waldrop.

—25

Nays:

—0

The Bill:

S. 547. Relating to Rainbow City in Etowah County; to provide for a special election of the electors of Rainbow City on the issue of whether or not the people of Rainbow City want to create a separate municipal school board in Rainbow City; to provide for the termination of any municipal school system for Rainbow City in the event the voters vote to stay within the county system; and to provide for the creation of the municipal school system, in accordance with existing laws, for Rainbow City if the electors vote in favor of creating such a municipal school system.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment, to the Bill, S. B. 547, to-wit:

COMMITTEE AMENDMENT TO S. B. 547

Amend S. B. 547, Page 1, Section 1, Line 24 by deleting the following:

"the first Tuesday following the passage of this Act" and inserting in lieu thereof the following:

"May 2, 1978,"

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Goodwin, Jones, King, Little, McDonald (S), Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Proctor, Roberts, St. John, Shelby, Stewart, Waldrop.

—25

Nays:

—0

And said Bill, S. B. 547, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Goodwin, Jones, King, Little, McDonald (S), Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Proctor, Roberts, St. John, Shelby, Stewart, Waldrop.

—25

Nays:

—0

The Bill:

H. 159. Relating to Cullman County; to provide that the county governing body of said county shall pay over the proceeds from coal severance taxes collected pursuant to the provisions of Act 598, H. 643, 1977 Regular Session of the Legislature, to the state highway department for the paving and resurfacing of county roads in Cullman County.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Bank, Edwards, Ellis, Fine, Goodwin, Jones, King, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Pearson, Peden, Perloff, Perry, Powell, Proctor, St. John, Stewart, Vacca, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

H. 242. To alter, rearrange and extend the boundary lines and corporate limits of Dadeville, Alabama.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Clemon, Edwards, Fine, Gilmore, Goodwin, Jones, Little, McMillan, Miller, Mims, Mitchell, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, Shelby, Stewart, Vacca, Waldrop.

—25

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 151. PROVIDING FOR THE TERMINATION OF THE TENNESSEE-MULBERRY WATERWAY COMMISSION.

Also:

H. J. R. 194. PROVIDING FOR THE TERMINATION OF THE LOST CREEK WATERSHED.

Also:

H. J. R. 186. PROVIDING FOR THE TERMINATION OF THE JUVENILE CORRECTIONAL STUDY COMMITTEE.

Also:

H. J. R. 116. PROVIDING FOR THE TERMINATION OF THE ETOWAH COUNTY-BIG WILLIS WATERSHED.

Also:

H. J. R. 131. PROVIDING FOR THE TERMINATION OF THE SOVEREIGNTY COMMISSION.

Also:

H. J. R. 149. PROVIDING FOR THE TERMINATION OF THE TASK FORCE ON ENVIRONMENTAL STUDY.

Also:

H. J. R. 215. PROVIDING FOR THE TERMINATION OF THE ADVISORY COMMITTEE FOR INDIGENT MEDICAL CARE.

Also:

H. J. R. 224. PROVIDING FOR THE TERMINATION OF THE ALABAMA AVIATION EXHIBIT COMMISSION.

Also:

H. J. R. 117. PROVIDING FOR THE TERMINATION OF THE FIRE ANT STUDY COMMITTEE.

Also:

H. J. R. 243. PROVIDING FOR THE TERMINATION OF THE ALABAMA RIVER DEVELOPMENT AUTHORITY.

Also:

H. J. R. 228. PROVIDING FOR THE TERMINATION OF THE ALABAMA CONSTITUTIONAL COMMISSION.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been

publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 317. PROVIDING FOR THE TERMINATION OF THE GOVERNOR'S NATURAL RESOURCES COMMISSION.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 110. PROVIDING FOR THE CONTINUED EXISTENCE OF J. F. DRAKE STATE TECHNICAL COLLEGE.

Also:

H. J. R. 111. PROVIDING FOR THE CONTINUED EXISTENCE OF THE EDUCATION STUDY COMMISSION.

Also:

H. J. R. 112. PROVIDING FOR THE CONTINUED EXISTENCE OF THE EDUCATIONAL TELEVISION COMMISSION.

Also:

H. J. R. 113. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ELK RIVER DEVELOPMENT AGENCY.

Also:

H. J. R. 114. PROVIDING FOR THE CONTINUED EXISTENCE OF THE EMPLOYEES INSURANCE BOARD.

Also:

H. J. R. 115. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ENTERPRISE STATE JUNIOR COLLEGE.

Also:

H. J. R. 118. PROVIDING FOR THE CONTINUED EXISTENCE OF THE FIRE COLLEGE (DEPARTMENT AND ADVISORY COMMITTEE).

Also:

H. J. R. 119. PROVIDING FOR THE CONTINUED EXISTENCE OF THE FISHING REEF SHIP COMMISSION.

Also:

H. J. R. 120. PROVIDING FOR THE CONTINUED EXISTENCE OF ED. E. REID STATE TECHNICAL COLLEGE.

Also:

H. J. R. 121. PROVIDING FOR THE CONTINUED EXISTENCE OF THE RETIREMENT SYSTEMS.

Also:

H. J. R. 122. PROVIDING FOR THE CONTINUED EXISTENCE OF THE REVENUE DEPARTMENT.

Also:

H. J. R. 123. PROVIDING FOR THE CONTINUED EXISTENCE OF RICHMOND P. HOBSON STATE TECHNICAL COLLEGE.

Also:

H. J. R. 125. PROVIDING FOR THE CONTINUED EXISTENCE OF SHELTON STATE TECHNICAL COLLEGE.

Also:

H. J. R. 126. PROVIDING FOR THE CONTINUED EXISTENCE OF SNEAD STATE JUNIOR COLLEGE.

Also:

H. J. R. 127. PROVIDING FOR THE CONTINUED EXISTENCE OF THE SOCIAL SECURITY BOARD.

Also:

H. J. R. 128. PROVIDING FOR THE CONTINUED EXISTENCE OF THE SOUTHERN INTERSTATE NUCLEAR BOARD.

Also:

H. J. R. 129. PROVIDING FOR THE CONTINUED EXISTENCE OF SOUTHERN UNION STATE JUNIOR COLLEGE.

Also:

H. J. R. 130. PROVIDING FOR THE CONTINUED EXISTENCE OF SOUTHWEST STATE TECHNICAL COLLEGE.

Also:

H. J. R. 132. PROVIDING FOR THE CONTINUED EXISTENCE OF THE SPACE SCIENCE EXHIBIT COMMITTEE.

Also:

H. J. R. 133. PROVIDING FOR THE CONTINUED EXISTENCE OF THE SPORTS HALL OF FAME BOARD.

Also:

H. J. R. 134. PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE BOARD OF ADJUSTMENT.

Also:

H. J. R. 136. PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE CAPITOL PRESERVATION COMMISSION.

Also:

H. J. R. 137. PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE COMMISSION ON PHYSICAL FITNESS.

Also:

H. J. R. 138. PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE FAIR AUTHORITY.

Also:

H. J. R. 139. PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE FINANCE DEPARTMENT.

Also:

H. J. R. 140. PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE MANPOWER PLANNING.

Also:

H. J. R. 141. PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE PERSONNEL BOARD.

Also:

H. J. R. 142. PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE RECORDS COMMISSION.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 143. PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE SOIL AND WATER CONSERVATION COMMITTEE.

Also:

H. J. R. 144. PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE TENURE COMMISSION.

Also:

H. J. R. 145. PROVIDING FOR THE CONTINUED EXISTENCE OF THE STONEWALL JACKSON MEMORIAL.

Also:

H. J. R. 146. PROVIDING FOR THE CONTINUED EXISTENCE OF THE SYLACAUGA NURSES TRAINING SCHOOL.

Also:

H. J. R. 147. PROVIDING FOR THE CONTINUED EXISTENCE OF THE TALLACOOSA HIGHLAND LAKE ASSOCIATION.

Also:

H. J. R. 148. PROVIDING FOR THE CONTINUED EXISTENCE OF THE TANNEHILL FURNACE & FOUNDRY COMMISSION.

Also:

H. J. R. 150. PROVIDING FOR THE CONTINUED EXISTENCE OF THE TECHNICAL COLLEGE DIVISION (DEPARTMENT OF EDUCATION).

Also:

H. J. R. 152. PROVIDING FOR THE CONTINUED EXISTENCE OF THE TENNESSEE-TOMBIGBEE WATER DEVELOPMENT AUTHORITY.

Also:

H. J. R. 153. PROVIDING FOR THE CONTINUED EXISTENCE OF THE TERRAPIN CREEK WATERSHED CONSERVANCY.

Also:

H. J. R. 154. PROVIDING FOR THE CONTINUED EXISTENCE OF TRI-RIVERS WATERWAY DEVELOPMENT AUTHORITY.

Also:

H. J. R. 155. PROVIDING FOR THE CONTINUED EXISTENCE OF TROY STATE UNIVERSITY.

Also:

H. J. R. 156. PROVIDING FOR THE CONTINUED EXISTENCE OF TUSCALOOSA STATE TECHNICAL COLLEGE.

Also:

H. J. R. 157. PROVIDING FOR THE CONTINUED EXISTENCE OF THE TUSKEGEE INSTITUTE.

Also:

H. J. R. 158. PROVIDING FOR THE CONTINUED EXISTENCE OF THE UNIVERSITY OF ALABAMA SYSTEM.

Also:

H. J. R. 159. PROVIDING FOR THE CONTINUED EXISTENCE OF THE UNIVERSITY OF MONTEVALLO.

Also:

H. J. R. 160. PROVIDING FOR THE CONTINUED EXISTENCE OF THE UNIVERSITY OF NORTH ALABAMA.

Also:

H. J. R. 161. PROVIDING FOR THE CONTINUED EXISTENCE OF THE U.S.S. BATTLESHIP COMMISSION.

Also:

H. J. R. 162. PROVIDING FOR THE CONTINUED EXISTENCE OF THE VETERANS DAY PROMOTION IN ALABAMA, BIRMINGHAM.

Also:

H. J. R. 163. PROVIDING FOR THE CONTINUED EXISTENCE OF WALKER COLLEGE.

Also:

H. J. R. 164. PROVIDING FOR THE CONTINUED EXISTENCE OF WALKER STATE TECHNICAL COLLEGE.

Also:

H. J. R. 165. PROVIDING FOR THE CONTINUED EXISTENCE OF THE GADSDEN STATE JUNIOR COLLEGE.

Also:

H. J. R. 166. PROVIDING FOR THE CONTINUED EXISTENCE OF GADSDEN STATE TECHNICAL COLLEGE.

Also:

H. J. R. 167. PROVIDING FOR THE CONTINUED EXISTENCE OF THE GEOLOGICAL SURVEY OF ALABAMA.

Also:

H. J. R. 168. PROVIDING FOR THE CONTINUED EXISTENCE OF THE GEORGE C. WALLACE STATE COMMUNITY COLLEGE (DOTHAN).

Also:

H. J. R. 169. PROVIDING FOR THE CONTINUED EXISTENCE OF THE GEORGE C. WALLACE STATE COMMUNITY COLLEGE (HANCEVILLE).

Also:

H. J. R. 170. PROVIDING FOR THE CONTINUED EXISTENCE OF THE GEORGE C. WALLACE STATE COMMUNITY COLLEGE (SELMA).

Also:

H. J. R. 171. PROVIDING FOR THE CONTINUED EXISTENCE OF THE GORGAS MEMORIAL (UNIVERSITY OF ALABAMA).

Also:

H. J. R. 172. PROVIDING FOR THE CONTINUED EXISTENCE OF THE GOVERNOR'S COMMITTEE ON STATE REORGANIZATION.

Also:

H. J. R. 173. PROVIDING FOR THE CONTINUED EXISTENCE OF THE GOVERNOR'S MANSION ADVISORY BOARD.

Also:

H. J. R. 174. PROVIDING FOR THE CONTINUED EXISTENCE OF HANK WILLIAMS MEMORIAL COMMISSION.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Gafford:

H. J. R. 398. HONORING JUDGE J. PAUL MEEKS UPON HIS RETIREMENT AS JUDGE OF PROBATE IN JEFFERSON COUNTY.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 398, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 366. URGING THE APPOINTMENT OF MRS. ANN CALAGAZ TO THE NATIONAL HIGHWAY SAFETY ADVISORY COMMITTEE.

Also:

S. J. R. 368. MOURNING THE DEATH OF ALBERT BURTON BOUTWELL.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Joint Resolution:

H. J. R. 332. PROVIDING FOR THE CONTINUATION OF THE LEGISLATIVE TECHNICAL ASSISTANCE PROGRAM.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Gafford:

H.122. To authorize the legislature of the State of Alabama to control the usage of certain parking spaces on certain streets immediately adjacent to the capital grounds of the City of Montgomery and certain other parking spaces on state property; to direct the Chief of Service of the Division of Service to work under the direction and control of the joint legislative parking committee created by Act No. 8, Organizational Session 1975 in regard to assigning said parking.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 122. To the Committee on State Government.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Smith (C), Barron and Plaster:

H. 140. To provide for privileged communications with clergymen.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 140. To the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Callahan, Drake, Plaster, Cates, Sandusky, Pegues, Owens, Waggoner and McNair:

H. 88. To establish a student assistance program in the State of Alabama to be known as the Alabama Student Grant Program, which will provide for state grants, on behalf of and to the credit of eligible students who are bona fide residents of Alabama, to be paid to certain approved institutions of post-secondary education in Alabama; to set forth legislative findings and purposes underlying the Program; to provide for the grants payable under the Program; to designate the Alabama Commission on Higher Education to administer the Program; to vest the Alabama Commission on Higher Education with the powers and duties reasonably needed for the effective implementation and administration of the Program; to establish various procedures and requirements concerning the availability of grants, applications for grants, approval and award of grants, renewal of grants, and revocation of grants; to prohibit the use of grants for religious or sectarian purposes and to prohibit the use of money raised for the support of public schools to support schools of a predominantly sectarian or denominational character; to provide for periodic auditing of approved institutions; to provide for periods when there may be insufficient funds to provide such eligible student with a full grant for the terms requested; to provide a penalty for false statements or misrepresentations in connection with the procurement of grants; to make an appropriation funding the program from the Special Education Trust Fund; to provide for severability; to repeal conflicting laws; and to provide an effective date.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 88. To the Committee on Finance and Taxation.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to appointments on the Board of Trustees of the Alabama State University.

Respectfully submitted,

HENRY B. STEAGALL, II,
Executive Secretary.

Done this 16th day of February, 1978.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed the following named persons, subject to your confirmation, as members on the Board of Trustees of the Alabama State University:

A. A. Chandler
Vernon, Alabama

From the 4th Congressional
District for the term
expiring January 31, 1984.

Louis J. Willie
Birmingham, Alabama

From the 6th Congressional
District for the term
expiring January 31, 1984.

Respectfully submitted,

GEORGE C. WALLACE,
Governor.

Done this 16th day of February, 1978.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to appointments to the Board of Trustees of Alabama State University, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to appointments on the Board of Trustees of the University of North Alabama.

Respectfully submitted,

HENRY B. STEAGALL, II,
Executive Secretary.

Done this 14th day of February, 1978.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed the following named persons as members of the Board of Trustees of the University of North Alabama:

Mr. Laney L. West
Russellville, Alabama

Appointed from the 7th
Congressional District
for the term expiring
September 9, 1983.

Mr. James L. Hunt
Tuscumbia, Alabama

Appointed from the State-
at-Large for the term
expiring September 9, 1987.

As these appointments must be confirmed by your body, I herewith transmit them to you for such action as you deem right and proper.

Respectfully,

GEORGE C. WALLACE,
Governor.

Done this 14th day of February, 1978.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to appointments to the Board of Trustees of the University of North Alabama, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment on the Board of Trustees of the University of North Alabama.

Respectfully submitted,

HENRY B. STEAGALL, II,
Executive Secretary.

Done this 14th day of February, 1978.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed Mr. Laney L. West, Russellville, Alabama, subject to

your confirmation, as a member of the Board of Trustees of the University of North Alabama.

Respectfully,
GEORGE C. WALLACE,
Governor.

Done this 14th day of February, 1978.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Trustees of the University of North Alabama, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment on the Alabama Securities Commission.

Respectfully submitted,
HENRY B. STEAGALL, II,
Executive Secretary.

Done this 14th day of February, 1978.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have reappointed, subject to your confirmation, Mr. Sam I. Diamond, Jr., Montgomery, Alabama, as a member of the Alabama Securities Commission for the term expiring October 31, 1979.

Respectfully,
GEORGE C. WALLACE,
Governor.

Done this 14th day of February, 1978.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Securities Commission, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I transmit herewith a Message from the Governor relative to an appointment to the Alcoholic Beverage Control Board.

Respectfully submitted,

HENRY B. STEAGALL, II,
Executive Secretary.

Done this 14th day of February, 1978.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mr. Lawrence Harris to the Alcoholic Beverage Control Board.

Respectfully,

GEORGE C. WALLACE,
Governor.

Done this 14th day of February, 1978.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alcoholic Beverage Control Board, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to appointments on the Alabama Board of Examiners of Landscape Architects.

Respectfully submitted,

HENRY B. STEAGALL, II,
Executive Secretary.

Done this 14th day of February, 1978.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed the following named persons as members of the Alabama Board of Examiners of Landscape Architects:

Mr. Eugene C. Brock
Montgomery, Alabama

Reappointed for the term
expiring January 3, 1981

Mr. Edward L. Pryce
Tuskegee, Alabama

Reappointed for the term
expiring January 3, 1980

Mr. Robert S. Bateman
Montgomery, Alabama

Reappointed for the term
expiring January 3, 1979

As these appointments must be confirmed by your Body, I transmit them to you for such action as you may deem right and proper.

Respectfully,

GEORGE C. WALLACE,
Governor.

Done this 14th day of February, 1978.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to appointments to the Alabama Board of Examiners, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Owens:

H. J. R. 404. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, February 16, 1978, we adjourn to meet again on Tuesday, February 21, 1978.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Owen, the Rules were suspended and the Resolution, H. J. R. 404, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

S. 21. To require any utility or telephone company that is required to obtain a certificate of public convenience and necessity under Section 37-2-4 or Section 37-4-28 of the 1975 Code of Alabama from the Alabama Public Service Commission for the construction or operation of any facility to give notice of the filing of such application with said Commission to the owners of all lands which are proposed to be acquired for the construction or operation of the facility for which the certificate of convenience and necessity is sought, and to provide that such owners shall be entitled to be heard and to participate in such certificate proceedings; to repeal all laws or parts of laws in conflict herewith and to provide for the effective date of this act.

was taken up.

The Standing Committee on State Government reported the following amendment to the Bill, S. B. 21, to-wit:

COMMITTEE AMENDMENT TO S. B. 21

Amend Senate Bill 21, page 2, line 10 of the bill as introduced after the word, "sought" by striking the period and inserting in lieu thereof a comma and inserting the following words, phrases and figures: "except, however, such notice requirement shall not apply to the acquisition by a utility of an existing gas system pursuant to the provisions of sections 11-50-210 through section 11-50-213 inclusive of the 1975 Code of Alabama."

On motion of Mr. Wilson, said amendment was laid on the table.

Mr. Perry offered the following substitute for the Bill, S. B. 21, to-wit:

SUBSTITUTE FOR S. B. 21

A BILL
TO BE ENTITLED
AN ACT

To require any utility or telephone company that is required to obtain a certificate of public convenience and necessity under Section 37-2-4 or Section 37-4-28 of the 1975 Code of Alabama from the Alabama Public Service Commission for the construction or operation of any facility to give notice of the filing of such application with said Commission to the reasonably identifiable owners of all lands which are proposed to be acquired for the construction or operation of the facility for which the certificate of convenience and necessity is sought, and to provide that such owners shall be entitled to be heard and to participate in such certificate proceedings, except, however, such notice requirement shall not apply to the acquisition of lands or interest in lands for utility or telephone transmission or distribution lines; to repeal all laws or parts of laws in conflict herewith and to provide for the effective date of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Any utility or telephone company that is required to obtain a certificate of convenience and necessity under Section 37-2-4 or Section 37-4-28 of the 1975 Code of Alabama from the Alabama Public Service Commission for the construction or operation of any facility must give notice of the filing of such application with said Commission to the reasonably identifiable owners of all lands which are proposed to be acquired for such construction or operation for which the certificate of convenience and necessity is sought, except, however, such notice requirement shall not apply to the acquisition of lands or interest in lands for utility or telephone transmission or distribution lines, or to the purchase, lease, or other acquisition of an existing utility or telephone system. Such notice must be given, in writing, and proof of service thereof must be filed with and become a part of the record of such certificate proceedings before the Commission. All such landowners shall be entitled to be heard and to participate in such certificate proceedings.

Section 2. All laws or parts of laws in conflict herewith are hereby expressly repealed.

Section 3. This Act shall take effect immediately upon its passage and

approval by the Governor, or by its otherwise becoming a law.

Which was adopted.

Yeas 32; Nays 0.

Abstaining 1.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Vacca, Waldrop.

—32

Nays:

—0

Abstaining: Mr. Wilson.

And said Bill, S. B. 21, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 30; Nays 0.

Abstaining 1.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Goodwin, Higginbotham, Jones, King, Little, McDonald (S), McMillan, Miller, Mims, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Vacca, Waldrop.

—30

Nays:

0

Abstaining: Mr. Wilson.

—1

The Bill:

S. 22. To further amend Code of Alabama, 1975, Section 37-1-80, so as to define the reasonable value of a public utility's property to be used as a rate base in fixing utility rates; to eliminate therefrom the amount of new investment to be added in the year immediately following the test period used in arriving at the value of such utility's property; to provide that determination of the rate base shall be calculated on the basis of such reasonable value of the property components of the rate base in service as of the end of the most recent 12-month period available; to exclude from the rate base, or in the alternative to require a zero return, on any part thereof arising from or provided by funds available to the utility without cost to it, unless effectively required to be allowed by an act of Congress; to exclude from the rate base any lands acquired after the effective date of this Act by any utility for a use which will require a certificate of convenience and necessity until and unless such certificate of convenience and necessity is issued by the Alabama Public Service Commission; to repeal conflicting laws and to fix the effective date of this Act.

was taken up.

Mr. Perry offered the following substitute for the Bill, S. B. 22, to-wit:

SUBSTITUTE FOR S. B. 22

A BILL
TO BE ENTITLED
AN ACT

To amend Code of Alabama, 1975, Section 37-1-80 so as to define the reasonable value of a public utility's property to be used as a rate base in fixing utility rates by eliminating therefrom the amount of new investment to be added in the year immediately following the test period; to repeal conflicting laws and to fix the effective date of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1975, Section 37-1-80 is hereby amended to read as follows:

"Section 37-1-80. The rates and charges for the services rendered and required shall be reasonable and just to both the utility and the public. Every utility shall be entitled to such just and reasonable rates as will enable it at all times to fully perform its duties to the public and will, under honest, efficient and economical management, earn a fair net return on the reasonable value of its property devoted to the public service. For the purpose of fixing rates, such reasonable value of a public utility's property shall be deemed to be the original cost thereof, less the accrued depreciation, as of the most recent date available and the amount of the new investment to be added in the year immediately following the test period used in arriving at the value of such utility's property. In any determination of the commission as to what constitutes such a fair return, the commission shall give due consideration among other things to the requirements of the business with respect to the utility under consideration, and the necessity, under honest, efficient and economical management of such utility, of enlarging plants, facilities and equipment of the utility under consideration, in order to provide that portion of the public served thereby with adequate service."

Section 2. To the extent of any conflict herewith, Section 37-4-17 of the 1975 Code of Alabama and all laws and parts of laws in conflict herewith are hereby repealed to the extent of the conflict.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Which was adopted.

Yeas 30; Nays 1.

Abstaining 1.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Miller, Mims,

Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Vacca, Waldrop.

—30

Nay: Mr. Stewart

—1

Abstaining: Mr. Wilson.

—1

And said Bill, S. B. 22, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 30; Nays 2.

Abstaining 1.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Waldrop.

—30

Nays: Messrs. Clemon, Fine.

—2

Abstaining: Mr. Wilson.

—1

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 29. COMMENDING MICHAEL MILLS OF OPELIKA FOR OUTSTANDING ACHIEVEMENT.

JOHN W. PEMBERTON,
Clerk.

BILLS ON THIRD READING RESUMED

The Bill:

S. 23. To require refunds or repayment to customers by the affected utility or telephone company of any utility or telephone rates or charges judicially held to be excessive.

was taken up.

On motion of Mr. Wilson, consideration of the Bill, S. B. 23, was postponed.

The Bill:

S. 24. To prohibit any telephone company, through any interconnecting or other agreement with South Central Bell Telephone Company, or its successor, or otherwise, from receiving an automatic increase in its net return, as the result of any order of the Alabama Public Service Commission

or court granting an increase to South Central Bell Telephone Company, or its successor, in its intrastate net return; to repeal all laws and parts of laws in conflict herewith, and to provide the effective date of this Act.

was taken up.

Mr. Goodwin offered the following amendment to the Bill, S. B. 24, to-wit:

AMENDMENT TO SENATE BILL S. 24

Page 2 Line 5 Delete the words following "interconnecting agreement or otherwise," through Line 10 and substitute the words "the Alabama Public Service Commission will review the financial earnings of each affected connecting company and if such earnings exceed that authorized by the Public Service Commission and the law, will direct such companies to reduce local exchange rates and charges in such amounts as to comply with authorized earnings."

Which was adopted.

Yeas 27; Nays 1.

Abstaining 2.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Goodwin, Higginbotham, Jones, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Vacca.

—27

Nay: Mr. Stewart.

—1

Abstaining: Messrs. McDonald (S), Wilson.

—2

And said Bill, S. B. 24, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 30; Nays 1.

Abstaining 2.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Vacca, Waldrop.

—30

Nay: Mr. Fine.

—1

Abstaining: Messrs. McDonald (S), Wilson.

—2

The Bill:

S. 26. Relating to appeals from the actions or orders of the Alabama Public Service Commission in certain cases; providing for the time, manner and procedure for taking such appeals and for the effect thereof; providing for

the construction of this Act; and repealing all laws and parts of laws in direct conflict or inconsistent with the provisions of this Act.

was taken up.

Mr. Perry offered the following substitute for the Bill, S. B. 26, to-wit:

SUBSTITUTE FOR S. B. 26

A BILL TO BE ENTITLED AN ACT

Relating to appeals from the actions or orders of the Alabama Public Service Commission in certain cases; providing for the time, manner and procedure for taking such appeals and for the effect thereof; providing for the construction of this Act; and repealing all laws and parts of laws in direct conflict or inconsistent with the provisions of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. In all cases involving controversies respecting rates and charges of telephone companies or public utilities, an appeal from any action or order of the Alabama Public Service Commission in the exercise of the jurisdiction, power, and authority conferred upon it by Title 37, Code of Alabama 1975, as amended and supplemented, shall lie directly to the Supreme Court of Alabama. All such appeals shall be given a preferred setting in the Supreme Court and shall be heard and determined by said Court en banc. Nothing in this Act shall be deemed to apply to any such cases other than those in which rates and charges are involved. All such appeals shall be taken within thirty days from the date of such action or order of the Alabama Public Service Commission and shall be granted as a matter of right and be deemed perfected by filing with the Public Service Commission a bond for the security of the cost of said appeal when the appellant is a utility or person, and by filing notice of an appeal when the appellant is the State of Alabama.

Section 2. Either party or any intervenor may appeal to the Supreme Court from the action or order of the Commission under the same rules and regulations and in the same manner and under the same conditions as are or may be provided by law for appeals from circuit courts in other public utility cases; application for supersedeas may be made to the Supreme Court or a justice thereof; and all supersedeas bonds required shall be in the same amount, subject to the same penalties and conditions and have the same effect as provided or hereafter provided by law in such cases. If the appeal is by a telephone company or a public utility the appellant shall be entitled to collect, subject to refund with interest, any portion of the requested increase denied or any rate decrease directed by such order from the time of taking such appeal until final disposition of the cause.

Section 3. Within thirty days after the perfection of the appeal as provided herein, and sooner if practicable, the Public Service Commission, through its President or any member thereof or its secretary, shall certify to the Supreme Court under the Commission's seal a complete record or transcript of all proceedings had before it, including all orders and pleadings together with a transcript of all oral testimony, and the original of or a transcript of all documentary evidence taken in any proceedings in which the order appealed from was made. The time for certifying said transcript to the Supreme Court may be extended by an order of the court, for good cause shown.

Section 4. The court shall review the case upon the certified record or transcript of the Commission and no new or additional evidence shall be introduced or oral testimony heard, but the court may, in advance of its judgment, remand the cause to the Commission for the purpose of taking additional testimony or other proceedings. In the event the court, in advance of its judgment, does not remand the cause to the Commission for the purpose of taking additional testimony or other proceedings, then the court shall have up to 180 days from the date the case is submitted to the court to render its judgment.

For the purpose of carrying out the provisions of this act, the Chief Justice of the Supreme Court, with the advice and consent of the Supreme Court, is hereby authorized to appoint such special masters, accountants, utility rate-making consultants, and such other personnel as he deems necessary to aid and assist the court in these appellate procedures. Such personnel may be appointed and employed on a part-time or full-time basis without regard to the merit system. There is hereby appropriated to the Supreme Court of Alabama from the State General Fund for the fiscal year ending September 30, 1978, the sum of \$100,000 for salaries, equipment purchases and other expenses, including rent and utilities; and there is further hereby appropriated to the Supreme Court of Alabama from the State General Fund for the fiscal year ending September 30, 1979, the sum of \$150,000 for salaries, equipment purchases and other expenses, including rent and utilities; such appropriations to be in addition to all appropriations heretofore made.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. The provisions of this Act are cumulative and supplemental and shall be construed in para materia with other laws regulating appeals from actions or orders of the Public Service Commission; provided, however, those laws or parts of laws in direct conflict or inconsistent herewith are hereby repealed and superseded to the extent of such conflict or inconsistency.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Mr. Perry then offered the following amendment to the substitute for the Bill, S. B. 26, to-wit:

AMENDMENT TO SUBSTITUTE FOR S. B. 26

Amend S. B. 26 by amending the last sentence of Section 2, page 2, lines 24 through 29, so that said sentence will read as follows:

"If the appeal is by a telephone company or a public utility and superseas is granted, the appellant shall be entitled to collect, subject to refund with interest, any portion of the requested increase denied on any rate decrease directed by such supersedeas order from the time of taking such appeal until final disposition of the cause."

Which was adopted.

Mr. Perry then offered the following amendment to the substitute as amended, for the Bill, S. B. 26, to-wit:

AMENDMENT TO SUBSTITUTE FOR S. B. 26, AS AMENDED

Amend Section 2 by deleting the last full sentence thereof on page 2, lines 24 through 29, inclusive.

On motion of Mr. Wilson, said amendment was laid on the table.

And said substitute, as thus amended, for the Bill, S. B. 26, was then adopted by the Senate.

Yeas 31; Nays 0.

Abstaining 1.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Goodwin, Higginbotham, Jones, King, Little, McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Vacca, Waldrop.

—31

Nays:

—0

Abstaining: Mr. Wilson.

—1

And said Bill, S. B. 26, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 31; Nays 0.

Abstaining 1.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Goodwin, Higginbotham, Jones, King, Little, McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Vacca, Waldrop.

—31

Nays:

—0

Abstaining: Mr. Wilson.

—1

The Bill:

S. 25. To provide for and require competitive bidding on specified contracts for labor, services, or work, and for the purchase of materials, equipment, supplies or other personal property, made by or on behalf of any public utility or telephone company doing business in the State of Alabama, and prescribing penalties.

was taken up.

On motion of Mr. Wilson, consideration of the Bill, S. B. 25, was postponed.

The Bill:

S. 27. To provide the procedure and conditions under which any utility or telephone company regulated by the Alabama Public Service Commission may increase or decrease any customer's billing for intrastate utility or telephone service by reason of the application of any fuel or tax rate, clause or rider on and after the effective date of this Act.

was taken up.

On motion of Mr. Wilson, consideration of the Bill, S. B. 27, was postponed.

The Bill:

S. 479. To create a cabinet level position known as "Commissioner of Utilities"; to provide for the appointment, term and compensation of said commissioner; to provide that the public service commission shall abrogate certain powers, duties, authority and jurisdiction in favor of said commissioner; to further empower said commissioner to increase and decrease utility rates and charges in the best interests of the consumer public; to provide for direct appeal to the state supreme court of certain orders issued by said commissioner; to provide for the staffing of said commissioner's office; to make necessary appropriations to carry out the provisions of this Act and to provide for supplemental effect.

was taken up.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to appointments on the Alabama Mental Health Board.

Respectfully submitted,

HENRY B. STEAGALL, II,
Executive Secretary.

Done this 23rd day of February, 1978.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed the following named persons as members of the Alabama Mental Health Board, subject to your confirmation:

Dr. R. Ross McBryde	For the term expiring
Montgomery, Alabama	September 30, 1983.

Mrs. Mary Harmon Bryant	For the term expiring
Tuscaloosa, Alabama	September 30, 1984.

I have reappointed the following named persons as members of the Alabama Mental Health Board, subject to your confirmation:

Mr. Jack M. Nolen
Fayette, Alabama

For the term expiring
September 30, 1983.

Dr. Everett L. Strandell
Brewton, Alabama

For the term expiring
September 30, 1983.

Dr. Patrick H. Linton
Birmingham, Alabama

For the term expiring
September 30, 1984.

Respectfully,

GEORGE C. WALLACE,
Governor.

Done this 23rd day of February, 1978.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to appointments to the Alabama Mental Health Board, was read and referred to the Standing Committee on Rules.

FURTHER CONSIDERATION OF S. B. 479

The Senate proceeded to further consideration of the Bill, S. B. 479.

ADJOURNMENT

At 2:25 P.M., on motion of Mr. Jones, pending further consideration of the Bill, S. B. 479, the Senate adjourned until Tuesday, February 28, 1978, at 2 o'clock P.M.

FOURTEENTH LEGISLATIVE DAY

TUESDAY, FEBRUARY 28, 1978

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

PRAYER

The Session was opened with prayer by Mr. Gary M. Bradley, Minister, Landmark Church of Christ, Montgomery, Alabama.

ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Vacca, Waldrop.

—32

JOURNAL

On motion of Mr. Clemon, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Thirteenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

U. W. CLEMON,
Chairman.

COMMITTEE REPORT

On motion of Mr. Clemon, the foregoing report was concurred in and the Journal of the Senate for the Thirteenth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. Clemon, leave of absence was granted Messrs. Perry, Teague, and Wilson for today.

REPORT OF
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 366. URGING THE APPOINTMENT OF MRS. ANN CALAGAZ TO THE NATIONAL HIGHWAY SAFETY ADVISORY COMMITTEE.

Also:

S. J. R. 368. MOURNING THE DEATH OF ALBERT BURTON BOUTWELL.

Also:

S. J. R. 29. COMMENDING MICHAEL MILLS OF OPELIKA FOR OUTSTANDING ACHIEVEMENT.

U. W. CLEMON,
Chairman.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

IN MEMORIAM
ALBERT BURTON BOUTWELL
ALABAMA SENATE
1947-1955
LIEUTENANT GOVERNOR
1959-1963

UNFINISHED BUSINESS
BILLS ON THIRD READING

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 479. To create a cabinet level position known as "Commissioner of Utilities"; to provide for the appointment, term and compensation of said commissioner; to provide that the public service commission shall abrogate certain powers, duties, authority and jurisdiction in favor of said commissioner; to further empower said commissioner to increase and decrease utility rates and charges in the best interests of the consumer public; to provide for direct appeal to the state supreme court of certain orders issued by said commissioner; to provide for the staffing of said commissioner's office; to make necessary appropriations to carry out the provisions of this Act and to provide for supplemental effect.

Mr. Baker offered the following substitute for the Bill, S. B. 479, to-wit:

SUBSTITUTE FOR S. B. 479

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 37-1-1 and 37-1-3 of the Code of Alabama 1975, which relate to the public service commission so as to provide further for the composition and terms of office of the membership of such commission.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 37-1-1 and 37-1-3 of the Code of Alabama 1975 are hereby amended to read as follows:

"Section 37-1-1. A commission to be known as the public service commission, consisting of a president and four associates who shall be competent persons and qualified electors of this state, is established. The members of such commission shall be further qualified as follows: at least one member shall be a licensed certified public accountant; and, at least one member shall be a licensed civil engineer.

"Section 37-1-3. (a) The terms of office of the commissioners shall be for four years; at the election to be held in the state on the first Tuesday after the first Monday on or before the third Tuesday in December, 1978, and every four years thereafter, a president, two associate members of said commission shall be elected appointed by the qualified electors Governor and confirmed by the Senate of this state; and, at the election to be held in the state on the first Tuesday after the first Monday on or before the third Tuesday in December, 1980, and every four years thereafter, a president and two associates more associate members, who, with the president, shall constitute said commission, shall be elected appointed by the qualified electors of the state the Governor and confirmed by the Senate. The result of such election shall be ascertained and declared by the same authority and in the same manner as are the results of election for chief justice and associate justices of the supreme court.

"(b) The persons elected appointed to fill said offices shall enter upon the discharge of their respective duties on the first Monday after the second

Tuesday in January after their election appointment, and shall continue in office until their successors are elected appointed and qualified.

“(c) If any vacancy should occur in any one of said offices, caused by death, resignation or otherwise, the same shall be filled by appointment by the governor, the appointee holding for the balance of the unexpired term. If any person elected appointed to the office of public service commissioner shall fail or refuse for 30 days to qualify, such failure or refusal shall be held to create a vacancy in the office, which vacancy shall be filled by appointment by the governor, the appointee to hold for the term for which the person so failing or refusing to qualify was elected appointed.

“(d) No two of said public service commissioners shall be elected or appointed from the same congressional district. But this section shall not disqualify or render ineligible for election or appointment any person holding such office on the date of enactment or effective date of any law redistricting the state for election of representatives in congress.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Jackson (F):

H. J. R. 410. DESIGNATING U. S. HIGHWAY 84 FROM THE EAST TO WEST STATE BOUNDARIES AS A BLUE STAR MEMORIAL HIGHWAY.

WHEREAS, the Blue Star Memorial Highway was projected by the National Council of State Garden Clubs, Incorporated, as a tribute to the men and women of our Nation's Armed Forces; and

WHEREAS, it is fitting and appropriate that further recognition be accorded the services and sacrifices so valiantly rendered by our citizens; and

WHEREAS, the Blue Star Memorial Highway of Alabama is sponsored by the Garden Club of Alabama, Incorporated, which organization favors the designation of U. S. Highway 84 from the east to west boundaries of Alabama as a Blue Star Memorial Highway; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body hereby names and designates U. S. Highway 84 within the boundaries of the State of Alabama as a "Blue Star Memorial Highway."

BE IT FURTHER RESOLVED, That the Highway Department is hereby authorized and directed to erect and maintain appropriate signs and markers so designating said highway as a "Blue Star Memorial Highway."

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 410, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Wyatt, Barron, Langford, Harris, Holmes (A), Plaster, Smith (C), Venable, Cates, Jackson (F), Carothers and Pegues:

H. J. R. 412. OPPOSING THE PETITION NOW BEFORE THE FEDERAL COMMUNICATIONS COMMISSION TO REMOVE VHF TELEVISION CHANNEL 12 FROM MONTGOMERY TO COLUMBUS, GEORGIA.

WHEREAS, a petition has been filed with the Federal Communications Commission (FCC) in Washington, D. C. proposing that wide-range VHF Channel 12 be removed from Montgomery, Alabama, to Columbus, Georgia; and

WHEREAS, Montgomery, Alabama, the City of License of WSFA-TV, Channel 12, is the capital city of Alabama and as such is the physical location of the Alabama Legislature, the Governor's Office, all Constitutional offices, principal agencies and commissions of the State of Alabama; and is the business and cultural center for south and central Alabama; and

WHEREAS, the wide-range VHF Channel 12 in Montgomery, Alabama, has provided the citizens of this area with extensive coverage of general news, weather, sports, legislative activities and other governmental affairs for twenty-four years; and

WHEREAS, in September, 1977, WSFA-Television, Channel 12, installed new transmitting facilities including a 2,000 foot tower, the tallest structure in the State of Alabama in order to provide additional coverage and better serve the people of south and central Alabama; and

WHEREAS, if this petition should be approved, some 500,000 Alabamians would be deprived of a vital television service from their state capital and a sizeable rural area containing some 25,000 citizens would be deprived of its only predicted Grade B television service; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That they go on record as vigorously opposing the petition now before the Federal Communications Commission (FCC) to remove VHF Channel 12 from Montgomery, Alabama to Columbus, Georgia.

BE IT FURTHER RESOLVED, That the Clerk of the House forward a copy of this resolution to WSFA-TV in order that it be included in the record of this proceeding of the Federal Communications Commission.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 412, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. McCorquodale, Mitchem, Ford, Turnham, Drake, Sasser, Merrill, Manley, Quarles, Johnson, Cates, Hill, Waggoner, Whatley, Baker, Plaster, Crowe, Holmes (D), Greer, Pegues, Shelton, Naramore, Carter, Martin, Starkey, Smith (B), Cross, Kinsey, Rich, McNees, Biddle, Carothers, Roberts, McMillan, Callahan, Williams, Crawford, Owens, Jackson (F), Folmar, Holmes (A), Dial, Shoemaker, Edwards, Ward, Moore (O), Lutz, Morris, White, Cooper, Holley, Clark, Armstrong, Robertson, Albright, Kelley, Sonnier, Smith (M), Glass, Warren, Smith (C), Kennedy, Smith (J), Weeks, Hines, Wyatt, Harris, Langford, Gafford and Gregg:

H. 450. To authorize Alabama Public School and College Authority to sell and issue two hundred million dollars (\$200,000,000) aggregate principal amount of additional bonds for capital improvements for public educational purposes, including libraries, laboratories and facilities for athletics, recreation and physical education, and research facilities, including the acquisition of land, for colleges and universities, vocational-technical institutes, junior colleges, elementary-secondary school systems and special schools; to provide for the details of the bonds and for the public sale thereof; to make and appropriation and pledge for payment of the principal of and interest on the bonds of proceeds from specified excise taxes to the extent necessary to pay the principal and interest at their respective maturities; to authorize the Authority to pledge for payment of the principal of and interest on the bonds the monies so appropriated and pledged; to provide that the bonds shall be limited obligations of the Authority payable solely out of the funds so appropriated and pledged and will not create a debt or obligation of the State; to provide that the bonds and the income therefrom shall be exempt from taxation in this State and the bonds may be used to secure deposits of funds of this State and its political subdivisions, instrumentalities and agencies, and for investment of fiduciary funds; to authorize the issuance by the Authority of refunding bonds for the purpose of refunding the principal of any then outstanding bonds theretofore issued by either the Authority or Alabama Education Authority or both, and the expenses of such refunding and any premiums necessary to retire those so refunded; to provide that after payment of the expenses of the issuance of the bonds the proceeds from the sale thereof shall be disbursed on orders or warrants issued by or under the direction of the Authority for the purposes for which they are authorized to be issued; and to provide that if any portion of this Act should be held invalid such holding shall not affect the validity of any other portion thereof.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 450. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Mr. Folmar:

H. J. R. 409. COMMENDING THE CHARLES HENDERSON HIGH SCHOOL BAND, ALABAMA'S REPRESENTATIVE TO THE DOGWOOD ARTS FESTIVAL, KNOXVILLE, TENNESSEE.

Also:

By Mr. Sonnier:

H. J. R. 411. COMMENDING ROSE AND LANAUX MARSTON UPON BEING THE FIRST RECIPIENTS OF THE ST. VALENTINE'S AWARD.

Also:

By Messrs. Drake, Sparks, Carothers, Cross, Smith (C), and Turnham:

H. J. R. 415. REGRETTING THE ILLNESS OF MR. HERMAN T. PRUETT AND WISHING HIM A SPEEDY RECOVERY.

Also:

By Mr. Smith (C):

H. J. R. 417. CONGRATULATING THE KIWANIS CLUB OF CLANTON, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolutions, H. J. R.'s 409, 411, 415, and 417, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

ADJOURNMENT

At 3:15 P.M., Mr. Fine moved that the Senate adjourn until Wednesday, March 1, 1978, at 10 o'clock A.M.

Mr. Waldrop offered a substitute motion that the Senate adjourn until Thursday, March 2, 1978, at 2 o'clock P.M., which motion was lost.

Mr. Perloff offered a substitute motion that the Senate adjourn until Thursday, March 2, 1978, at 11 o'clock A.M., which motion was adopted, and at 3:18 P.M., pending further consideration of the Bill, S. B. 479, the Senate adjourned until Thursday, March 2, 1978, at 11 o'clock A.M.

Yeas 16; Nays 14.

Yeas:

Messrs. Adams, Bank, Clemon, Edwards, Fine, Gilmore, Goodwin, Jones, McDonald (S), Miller, Owen, Pearson, Peden, Perloff, Powell, Shelby.

Nays:

Messrs. Baker, Ellis, Higginbotham, King, Little, McDonald (A), Mims, Mitchell, Noonan, Proctor, Roberts, St. John, Stewart, Vacca.

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FIFTEENTH LEGISLATIVE DAY
THURSDAY, MARCH 2, 1978

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

PRAYER

The session was opened with prayer by the Reverend Daniel Rhodes, Associate Pastor, Saint James United Methodist Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop.

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Journal

On motion of Mr. Owen, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Fourteenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

U. W. CLEMON,
Chairman.

COMMITTEE REPORT

On motion of Mr. Clemon, the foregoing report was concurred in and the Journal of the Senate for the Fourteenth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. Owen, leave of absence was granted Messrs. Pearson, Perry, and Wilson for today.

RESOLUTIONS

Messrs. Mitchell, King, Pearson, Noonan, Adams, McDonald (A), Powell, Mims, Wilson, St. John, Bank, Miller, and Waldrop offered the following Senate Joint Resolution, to-wit:

S. J. R. 371. INVITING JOHN C. WHITE, CHAIRMAN OF THE DEMOCRATIC NATIONAL COMMITTEE, TO ADDRESS THE ALABAMA LEGISLATURE.

WHEREAS, the Legislature of Alabama has noted that Mr. John C. White of Texas will be in Montgomery on March 7, 1978, as the featured speaker at the Montgomery County Democratic Executive Committee's annual fund raising dinner; and

WHEREAS, a native Texan, Mr. White has served as chairman of the agricultural department at Midwestern University, and was a Texas agriculture commissioner for twenty-six years; he is former U. S. Deputy Secretary of Agriculture and is the newly appointed chairman of the Democratic National Committee; and

WHEREAS, as a moderate Democrat and party loyalist, Mr. White has been active in presidential campaigns since 1960 and has been credited with devising the rural strategy in Texas for President Carter that was to help him overcome strong opposition to win in that state by substantially more than one-hundred thousand votes; and

WHEREAS, as featured speaker for the occasion, Mr. White will address more than 1,000 Democrats expected in Montgomery for the largest gathering of statewide Democrats during this year's political season; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that we most cordially extend an invitation to Mr. John C. White to address the Senate and House of the Alabama Legislature on March 7, 1978.

BE IT FURTHER RESOLVED, That Mr. White be notified of our invitation and that we hopefully await his acceptance.

On motion of Mr. Mitchell, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Ellis, Clemon, Pearson, Wilson, Gilmore, McMillan, Vacca, and Noonan offered the following Senate Joint Resolution, to-wit:

S. J. R. 372. COMMENDING AND CONGRATULATING THE PITTMAN JUNIOR HIGH SCHOOL FOOTBALL TEAM ON THEIR CHAMPIONSHIP SEASON.

WHEREAS, the Legislature of Alabama has noted that Pittman Junior High School, Hueytown, with an 8-1 season record, won the Jefferson County Large League Football Championship for 1977; and

WHEREAS, this was Pittman Junior High's second consecutive championship, their third out of the past four years, and they achieved the remarkable record of scoring 177 points for the season while ceding only 56 points to their opponents; and

WHEREAS, the Pittman Junior High champions captured the crown under the talented leadership of Head Coach Cecil Duke who has an outstanding career record in all sports of 575-137-6; his able staff consists of Assistant Coaches John McCarver and Mike Boyd, and Trainer William "Doc" Crane; and

WHEREAS, further, every game was played in the spirit and tradition of good sportsmanship and fair play; the team also had the enthusiastic support of their school, parents and other loyal fans both at their games and during their long, hard and dedicated practice sessions; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we highly commend and congratulate Pittman Junior High School on their second consecutive Jefferson County Championship.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Coach Cecil Duke on behalf of his staff and the team, and a copy sent to their Principal, Mr. Richard Farrar, for appropriate school display.

On motion of Mr. Ellis, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Peden offered the following Senate Resolution, to-wit:

S. R. 373. CENSURING A MOVE TO GIVE MERIT SYSTEM SECURITY TO POLITICAL APPOINTEES AND DIRECTING THE STATE PERSONNEL BOARD TO IMMEDIATELY CEASE THE CREATION OF MERIT SYSTEM JOBS TO PROVIDE FOR THESE FUTURE UNEMPLOYED AT THE EXPENSE OF ALABAMA'S TAXPAYERS.

WHEREAS, in the light of pending legislation designed to allow a select few politically appointed officials to remain in their present positions and to permit others to enjoy merit system security through a move by the State Personnel Board to create new merit system jobs; and

WHEREAS, in view of the fact that the appointees in question have for years enjoyed substantial salaries provided by the taxpayers of Alabama in jobs known to be limited by the existence of the present administration when accepted, even snapped up, by said officials; and

WHEREAS, now that the gravy train is fast approaching its last stop, those riding on "passes" are seeking transfer tickets as permanent passengers on a fast express to job security and/or ultimate retirement under our state's merit system; and

WHEREAS, the State of Alabama is in no condition, financially, to provide now or in the future for political "has-beens" and, at the same time, provide those services necessary for the well-being of all its citizens; and

WHEREAS, the State of Alabama already provides, through the programs of its various agencies and departments, for the unemployed of our state; those seeking jobs may register at any time with State Unemployment Offices in all counties, apply for unemployment benefits, or contact the Department of Pensions and Security for other benefits available to those qualifying; now therefore,

BE IT RESOLVED BY THE SENATE OF THE ALABAMA LEGISLATURE, That we severely and scornfully censure any move to provide for future employment, at taxpayers' expense, of those whose jobs terminate with the expiration of the present administration.

BE IT FURTHER RESOLVED, That the Director of the State Personnel Board is hereby directed to immediately cease the creation of merit system jobs for political dead-wood, dead-weight "dead-ends" in the State of Alabama.

RESOLVED FURTHER, That by copy of this resolution the Secretary of the Senate is directed to notify the State Personnel Department and its Director of this directive.

Which was read and referred to the Standing Committee on Rules.

Mr. Gilmore offered the following Senate Joint Resolution, to-wit:

S. J. R. 374. CONGRATULATING AND HONORING MR. AND MRS. EDWARD E. CRAIG ON THEIR GOLDEN WEDDING ANNIVERSARY.

WHEREAS, the Alabama Legislature has noted the 50th Wedding Anniversary of Mr. and Mrs. Edward E. Craig on January 13, 1978, on which occasion they were honored by a dinner and reception hosted by their son, Edward Craig, Jr.; and

WHEREAS, both Mr. and Mrs. Craig are lifelong residents of Alabama; Roxie is a native of Bibb County who lived in Montevallo for most of her youth, attended elementary and high school in Montevallo, graduated from Alabama College with a major in Social Work, and worked for many years with the Jefferson County Juvenile Court which presented her, upon retirement, with a Merit Award for her organization and supervision of the Volunteer Department; and

WHEREAS, Ed, Sr., was born and reared in Lawrence County, graduated from Lawrence County High School, the University of Alabama in Commerce and Business Administration, and was associated with the coal industry for more than 40 years; and

WHEREAS, the Craigs lived in Montevallo several years after their marriage and some 35 years in Homewood where they both were active in civic and community affairs and where Ed Craig was awarded an honorary degree from Homewood High School in recognition of his many contributions to the school and its programs; they presently live in Helena and have continued their civic work especially with the Shelby County Schools and the Shelby County Youth Aid Bureau; and

WHEREAS, Roxie and Ed Craig are ardent football enthusiasts who, with their close personal friend, Robert G. Waldrop, Mayor of the city of Homewood for the past 25 years, have attended better than 95 percent of all Alabama football games; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily congratulate this exemplary couple, Mr. and Mrs. Edward E. Craig; we commend them most highly for their many notable contributions to civic and community affairs, and direct that they receive a copy of this resolution that they may know of our congratulations and warm praise.

On motion of Mr. Gilmore, the Rules were suspended and the Resolution was adopted by the Senate.

UNFINISHED BUSINESS BILLS ON THIRD READING

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 479. To create a cabinet level position known as "Commissioner of Utilities"; to provide for the appointment, term and compensation of said commissioner; to provide that the public service commission shall abrogate certain powers, duties, authority and jurisdiction in favor of said commissioner; to further empower said commissioner to increase and decrease utility rates and charges in the best interests of the consumer public; to provide for direct appeal to the state supreme court of certain orders issued by said commissioner; to provide for the staffing of said commissioner's office; to make necessary appropriations to carry out the provisions of this Act and to provide for supplemental effect.

The question was on the Baker substitute, which said substitute is set out in the Journal of the Senate for the Fourteenth Legislative Day.

Mr. Clemon moved that further consideration of the Bill, S. B. 479, and pending substitute, be postponed temporarily.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Sandusky:

H. J. R. 422. RECOGNIZING DR. MEL LUCAS UPON THE PROCLAMATION OF MEL LUCAS DAY.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Noonan, the Rules were suspended and the Resolution, H. J. R. 422, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Manley, McCorquodale, Merrill, Robertson, Plaster, Warren, Johnstone, McMillan, Moore (O), Gafford, Crowe, Drake, Mitchem, Williams, Quarles, Cates, Campbell, Edwards, Smith (J), Whatley, Pegues, Moore (W), Lutz, Owens, Sparks, Hines, Smith (M), Wyatt, Carter, Folmar, Holley, Crawford, Weeks, McNees, Shelton, Sandusky, Barron, Killian, Holmes (D), Rich, Clark, Kinsey, McCulley, Lee, Jackson (F), Cross, Baker, Carothers, Kelley, Shoemaker, Glass, Dial, Riddick, Ford, White and Younce:

H. 400. Proposing an amendment to further amend Article XI, Section 217, of the Constitution of Alabama 1901 relative to ad valorem taxation; further providing for the assessment of taxable property and the levy of such tax.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, at length as required by the Constitution and referred to appropriate Standing Committee, as follows:

H. B. 400. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Manley, McCorquodale, Merrill, Robertson, Plaster, Quarles, Warren, Crowe, McMillan, Gafford, Moore (O), Drake, Mitchem, Williams, Cates, Campbell, Edwards, Smith (J), Whatley, Pegues, Moore (W), Lutz, Owens, Sparks, Hines, Smith (M), Johnstone, Wyatt, Carter, Folmar, Holley, Crawford, Weeks, McNees, Shelton, Killian, Holmes (D), Rich, Clark, Kinsey, McCulley, Lee, Jackson (F), Cross, Baker, Shoemaker, Glass, Riddick, Ford and Younce:

H. 402. To amend Section 40-7-15, Code of Alabama 1975, relating to the assessment of taxes so as to further provide for determining the value of taxable property and providing for a pass-on of any benefits to public utilities.

Also:

By Messrs. Manley, Robertson, Plaster, Warren, McMillan, Gafford, Drake and Glass:

H. 403. To amend Section 40-9-19, Code of Alabama 1975, to increase the homestead exemption from \$2,000 to \$5,000, such exemption being applicable to all state ad valorem taxes.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 402 and 403. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Messrs. Manley, McCorquodale, Merrill, Quarles, Robertson, Plaster, Warren, Crowe, McMillan, Gafford, Moore (O), Drake, Mitchem, Williams, Cates, Campbell, Edwards, Smith (J), Whatley, Pegues, Moore (W), Lutz, Owens, Sparks, Hines, Smith (M), Wyatt, Carter, Folmar, Holley, Crawford, Weeks, McNees, Shelton, Killian, Holmes (D), Rich, Clark, Kinsey, McCulley, Jackson (F), Baker, Carothers, Shoemaker, Glass, Riddick and Ford.

H. 401. To further amend Section 40-8-1, Code of Alabama 1975, as last amended so as to adjust the ratio of assessed value to fair and reasonable

market value of property in certain counties; and to provide a property tax credit for increased taxes paid as a result of early completion of reappraisal in certain counties.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 401. To the Committee on Finance and Taxation.

FURTHER CONSIDERATION OF S. B. 479

The Senate proceeded to further consideration of the Bill, S. B. 479, and pending substitute.

The question was on the motion of Mr. Clemon, that further consideration of the Bill, S. B. 479, and pending substitute, be postponed temporarily.

Mr. Baker offered a substitute motion that further consideration of the Bill, S. B. 479, be postponed until the next Legislative Day as Unfinished Business, which motion was adopted.

RESOLUTIONS

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 375. The following bills shall be the paramount and continuing order of business, upon reaching bills on third reading, for the 15th legislative day only, taking precedence over all other business for each day:

Bill No.	Page	Description
S. B. 406	29	VICA Olympics
S. B. 451	41	Definition of hospital
S. B. 199	86	USS Alabama
S. B. 487	85	Air Conditioning Board
S. B. 370	64	Forestry Study
S. B. 339	19	Water authorities
S. B. 266	13	Criminal procedure
S. B. 268	13	Criminal procedure
S. B. 359	58	Support personnel
S. B. 356	28	Food Stamp Program
S. B. 181	56	Credit Unions
S. B. 393	59	Parking decks

S. B. 98	57	Highway Signs
S. B. 373	88	Local option
S. B. 284	88	Corporate take-overs
S. B. 102	30	Diabetes Association
S. B. 234	48	Sport Hall of Fame
S. B. 458	45	Peace Officers annuity
S. B. 490	62	Folsom School
S. B. 407	29	UAB
S. B. 237	17	State Docks
S. B. 71	50	Tom Brazeal Building
S. B. 262	15	Mail delivery
S. B. 12	51	Prison lands
S. B. 54	20	Motor vehicles
S. B. 60	48	Reports by state agencies
S. B. 83	49	Civil Defense
S. B. 183	6	Agriculture exemptions
S. B. 207	8	American Legion
S. B. 493	74	Legislative Sessions
S. B. 378	23	Voter registration
S. B. 144	48	Names National Guard Armory
S. B. 107	23	Presidential preference primary
S. B. 367	31	Sheriffs
S. B. 288	49	Names Building-Causey
S. B. 171	50	Drivers license
S. B. 48	85	Library Services
S. B. 376	58	Sheriffs
S. B. 496	68	Indian affairs
S. B. 509	69	Probate Judges
S. B. 219	70	Motion pictures
S. B. 98	57	Highway Signs

On motion of Mr. Clemon, said Resolution was adopted by the Senate.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Little, McDonald (A), McDonald (S), McMillan, Miller,

Mims, Mitchell, Noonan, Owen, Peden, Powell, Proctor, St. John, Shelby, Stewart, Teague.

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Nays:

—0

BILLS ON THIRD READING RESUMED

The Bill:

S. 205. To authorize Alabama Public School and College Authority to sell and issue two hundred million dollars (\$200,000,000) aggregate principal amount of additional bonds for capital improvements for public educational purposes including libraries, laboratories and facilities for athletics, recreation and physical education, and research facilities, including the acquisition of land, including colleges and universities, vocational-technical institutes, junior colleges, elementary-secondary school systems and special schools; to provide for details of the said bonds and for the public sale thereof; to make an appropriation and pledge for payment of the principal of and interest on the bonds of proceeds from specified excise taxes to the extent necessary to pay the said principal and interest at their respective maturities; to authorize the Authority to pledge for payment of the principal of and interest on the bonds the moneys so appropriated and pledged; to provide that the bonds shall be limited obligations of the Authority payable solely out of the funds so appropriated and pledged and will not create a debt or obligation of the state; to provide that the bonds and the income therefrom shall be exempt from taxation in this state and the bonds may be used to secure deposits of funds of this state and its political subdivisions, instrumentalities and agencies, and for investment of fiduciary funds; to authorize the issuance by the Authority of refunding bonds for the purpose of refunding the principal of any then outstanding bonds theretofore issued by either the Authority or Alabama Education Authority or both, and the expenses of such refunding and any premiums necessary to retire those so refunded; to provide that after payment of the expenses of the issuance of the bonds the proceeds from the sale thereof shall be disbursed on orders or warrants issued by or under the direction of the Authority for purposes for which they are authorized to be issued; and to provide that if any portion of this Act should be held invalid such holding shall not affect the validity of any other portion thereof.

was taken up.

The question was on the amendment offered by Mr. Waldrop (which said amendment is set out in the Journal of the Senate on the Seventh Legislative Day) to the Committee substitute, as amended, for the Bill, S. B. 205.

On motion of Mr. Peden, further consideration of the Bill, S. B. 205, was postponed temporarily.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Teague:

S. 573. To amend Section 11-50-313 of the Code of Alabama 1975, relating to Boards of Directors for the operation of water, sewer, gas, and

electric systems, so as to allow the members on said boards in certain municipalities the discretion to increase their compensation for serving on said boards.

Committee on Local Government.

By Mr. Fine:

S. 574. To amend Sections 34-5-1, 34-5-2, 34-5-4, 34-5-5, 34-5-7, 34-5-10, 34-5-13, and 34-5-14 of the Code of Alabama, 1975, which sections relate to the practice of barbering and the Alabama Board of Barber Examiners, so as to further regulate the examination, fees, licensing and practice of barbering and the Alabama Board of Barber Examiners; and to specifically repeal Section 34-5-15 of the Code of Alabama, which section exempts certain counties from the provisions of the chapter regulating barbering.

Committee on Commerce, Transportation,
and Utilities.

By Mr. McDonald (S):

S. 575. To prohibit the sale or use of an article with an altered or obliterated identification mark and to provide penalties therefor.

Committee on Commerce, Transportation,
and Utilities.

By Mr. McDonald (S) (with notice and proof):

S. 576. Relating to Marshall County; to provide for a cost of living salary increase for the employees of the sheriff's department retroactive to October 1, 1977; and to provide that the salaries of the employees of the sheriff's department shall in the future be set by the salary commission that sets the salaries of other county employees.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 576, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. McDonald (S):

S. 577. Proposing an amendment to the Constitution of Alabama prohibiting the legislature from enacting any statutes legalizing or authorizing any type of race track or authorizing any type of gambling and making an exception as to any existing statutes relating to Mobile and Greene Counties.

Committee on Constitution and Elections.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Edwards:

S. 578. Proposing an amendment to the Constitution of Alabama which, if approved by the qualified electors of Morgan County, will amend Amendment Number 330 to said Constitution, as proposed by Act No. 493, S. 584, 1973 Regular Session of the Alabama Legislature (Acts of 1973, p. 724) submitted to a vote of the people on December 18, 1973, and proclaimed

ratified December 26, 1973, which provides for the consolidation of public offices in Morgan County, so as to require that any legislative act therefor must be submitted to and approved by the majority of the participating qualified electors in Morgan County for its validity and effectiveness.

Committee on Local Legislation No. 1.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Bank (with notice and proof):

S. 579. Relating to the expenses of the members of the Pickens County Board of Education.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 579, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Edwards (with notice and proof)

S. 580. To further regulate the county supplemental allowances payable to the district attorney for the 8th Judicial Circuit.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 580, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Edwards (with notice and proof):

S. 581. Relating to Morgan County; to provide for a temporary expense allowance for certain county officers elected to serve as revenue commissioner.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 581, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Edwards (with notice and proof):

S. 582. Relating to Morgan County; to create and establish the office of license inspector in said county by providing for the appointment, term, duties, powers and compensation of said inspector.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 582, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Edwards (with notice and proof):

S. 583. Relating to Morgan County; to provide for the compensation of the license commissioner in said county.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 583, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Gilmore:

S. 584. To repeal Sections 39-4-1-39-4-18, Code of Alabama 1975 which provides for the payment of the prevailing minimum wages under public works projects.

Committee on Business and Labor Relations.

By Mr. Bank:

S. 585. To further amend Section 17-4-5 of the Code of Alabama 1975, as amended, so as to provide for the registration of a person to vote in the precinct or ward where he or she resides.

Committee on Constitution and Elections.

By Messrs. Higginbotham and Adams;

S. 586. To authorize the execution of, and to give advance approval to, a compact between the State of Alabama and the State of Georgia to identify, acquire, own, transport, renovate, maintain, and exhibit historic or military articles, exhibits and attractions; to promote tourism throughout the Chattahoochee Valley; to establish a joint agency to be known as the Historic Chattahoochee Commission and other offices for the administration of the compact; to prescribe the authority, powers, duties and functions of the Commission and its members, officers, and committees; and to provide penalties for violation of certain provisions of the compact.

Committee on State Government.

By Mr. Bank:

S. 587. To authorize the department of revenue to design, issue and regulate the use of certain "temporary motor vehicle license tags"; to establish the selling price and issuance fee for such tags and to prescribe penalty for persons unlawfully using such tags.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Bank:

S. 588. To amend Sections 1-4 and 1-8 of Title 30, Code of Alabama 1975 to provide in certain instances only a man under the age of fourteen (14) and a woman under the age of fourteen (14) years may contract marriage; and to provide further that any person authorized to celebrate rites of matrimony is entitled to a fee of \$5.00.

Committee on Judiciary.

By Messrs. Ellis, Bank, Miller and McMillan:

S. 589. Relating to emergency medical services in hospitals; authorizing the State Board of Health to establish, promulgate and enforce rules, regulations and minimum standards for the operation of emergency departments in hospitals of this state and to provide for the categorization of hospitals according to the capabilities of such departments and medical services available.

Committee on Health and Welfare.

By Mr. Ellis:

S. 590. To amend Section 1 of Act No. 751, H. 233 of the 1977 Regular Session, so as to remove all water works systems, whether public or private, from regulation by the Public Service Commission.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Owen (with notice and proof):

S. 591. To alter or rearrange the boundary lines of the City of Summa, Mobile County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory contiguous thereto, in Mobile County, Alabama.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 591, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Ellis:

S. 592. To allow county governments, municipal governments or consortium thereof to create Resource Recovery Boards and prescribe their powers, functions and duties.

Committee on Finance and Taxation.

By Mr. McDonald (A) (with notice and proof):

S. 593. To further regulate fire protection in Limestone County; to authorize the governing body of Limestone County, Alabama, to establish fire districts or a fire department for Limestone County; to authorize the adoption of a fire code for Limestone County; to authorize the levying and collecting of a fire tax and to otherwise authorize fire protection measures within Limestone County; and to prescribe punishment for violation of this act and regulations promulgated hereunder.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 593, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Owen:

S. 594. Relating to refusal, revocation or suspension of chiropractors-effect of failure of party charged to appear at hearing; appeals.

Committee on Health and Welfare.

By Mr. Owen:

S. 595. Relating to rights and duties of chiropractors.

Committee on Health and Welfare.

By Mr. Owen:

S. 596. Relating to annual renewal of certificate; disposition of funds, revocation of license for failure to renew; rules and regulations for chiropractors.

Committee on Health and Welfare.

By Mr. Owen:

S. 597. To make an additional appropriation for salaries and other expenses for the use of the legislature for the fiscal year ending September 30, 1978.

Committee on Finance and Taxation.

By Messrs. McDonald (A) and Noonan:

S. 598. To appropriate money to the Highway Department to erect the Saturn BI Rocket at the Ardmore Welcome Center.

Committee on Finance and Taxation.

By Mr. Mitchell (with notice and proof):

S. 599. Relating to Crenshaw County; to provide an additional monthly salary allowance for the members of the county commission, effective beginning with the next term of office.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 599, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. McDonald (A):

S. 600. To propose an amendment to the Constitution of Alabama, 1901, so as to authorize the governing body of Limestone County to establish fire districts or a fire department for said county; to authorize the adoption of a fire code for Limestone County; to authorize the levying and collecting of a fire tax and to otherwise authorize fire protection measures within Limestone County; and to prescribe punishment for any violation of the provisions and regulations promulgated hereunder.

Committee on Local Legislation No. 1.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Jones:

S. 601. To provide salary increases for certain state employees, and to appropriate funds therefor.

Committee on Finance and Taxation.

By Mr. Mitchell (with notice and proof):

S. 602. Relating to Crenshaw County; providing for an increase in the pay of the members of the board of equalization.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 602, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Ellis:

S. 603. To authorize certain counties to adopt by reference the provisions of building, plumbing, gas, mechanical, electrical, housing, fire prevention, safety, and other codes prepared by model code organizations and technical trade associations, with exceptions; to provide for the administration of such standards and penalties for violations thereof; to authorize the collection of certain fees; and to define the areas where such county codes will be applicable.

Committee on Finance and Taxation.

By Mr. Noonan:

S. 604. To amend Sections 20-2-70, 20-2-71, 20-2-72, 20-2-76, 20-2-78, 20-2-93, and 20-2-74 of the Code of Alabama 1975, the state controlled substances law, so as to prescribe further penalties for certain violations of said law; to provide that it shall be unlawful to manufacture, produce, prepare, propagate, compound, synthesize or process certain drugs or other substances; to provide further for forfeitures, seizures; to further provide for rules and regulations pertaining to administering, dispensing, and prescribing of controlled substances by practitioners; to provide for suspension of sentence and probation; and to provide for joinder of offenses and defendants.

Committee on Health and Welfare.

By Mr. Noonan (with notice and proof):

S. 605. To apply in Mobile County, Alabama, and to authorize the County Board of Health in such county to solicit, receive, hold, use and dispose of, by sale or otherwise, any gifts, devises, bequests of money, real estate, personalty or other things of value; to match or supplement such property or use same for matching purposes in carrying out and funding its activities; to further authorize such Board of Health to utilize its funds to purchase, lease or hold any real or personal property needed in carrying out its functions, to control such property belonging to the Board of Health, and to lease, sell, convey or exchange any real or personal property, or portions thereof, no longer needed or utilized by the Board of Health in carrying out its functions in the field of public health.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 605, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Owen:

S. 606. Relating to application for certificate of qualification; fee; rules and regulations for chiropractors.

Committee on Health and Welfare.

By Mr. Little:

S. 607. To authorize the State Forester to establish a steering committee to represent rural community fire departments and to define the duties of said committee.

Committee on Conservation.

By Messrs. Clemon, Miller, Fine, Mims, Ellis, Shelby, McMillan, McDonald (A), Pearson, Waldrop, Jones, McDonald (S), Bank, Owen, Stewart, Vacca, Higginbotham and Adams:

S. 608. To remove all restrictions relating to Public Employees of any County or City in the State of Alabama, pertaining to his right to participate in political activities and allow public employees the right of free expression in public welfare.

Committee on Judiciary.

By Messrs. Clemon and Peden:

S. 609. To amend Section 20-2-90 of the Code of Alabama 1975, which relates to the enforcement of the Alabama Uniform Controlled Substances Act, so as to give officers of the alcoholic beverage control board certain powers in regard thereto, and to give all officers enforcing the Act certain further law enforcement powers.

Committee on Judiciary.

By Mr. Little:

S. 610. To amend the Code of Alabama, 1975, Section 36-25-10, so as to prohibit legislators from representing any person, firm or corporation before certain agencies of State government for a fee, reward or other compensation.

Committee on Judiciary.

By Mr. Bank:

S. 611. To exempt any qualified resident of the state of Alabama, 65 years of age or older, from the payment of certain entrance, admission, attendance, or similar fees in all parks owned or controlled by the state of Alabama, and to provide for the issuance of an Alabama Golden Age Card, which grants certain discounts to the holder thereof.

Committee on Conservation.

By Mr. Jones:

S. 612. To amend Section 36-27-4 of the Code of Alabama 1975 relating to membership in the state employees' retirement system so as to further provide for credit for military services to members of the system who receive military service retirement benefits.

Committee on Finance and Taxation.

By Mr. Edwards (with notice and proof):

S. 613. Relating to Morgan County; to provide for the compensation of the revenue commission in said county.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 613, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Edwards (with notice and proof):

S. 614. Relating to Morgan County; further regulating the sheriff's compensation.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 614, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Edwards (with notice and proof):

S. 615. Relating to Morgan County; providing a salary of \$20,000 for the Chairman of the County Commission and \$14,000 for each commissioner, effective after the present term.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 615, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Edwards (with notice and proof):

S. 616. Relating to Morgan County; further regulating the compensation payable to the judge of probate.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 616, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Perloff:

S. 617. To provide that any physician or surgeon who is licensed to practice medicine in Alabama shall be permitted to practice acupuncture or auriculotherapy.

Committee on Health and Welfare.

By Mr. Perloff (with notice and proof):

S. 618. To authorize the county commission or other like governing body of any county having a population of not less than 300,000 nor more

than 500,000 according to the most recent federal decennial census, to select and appoint a secretary for each county commissioner, to provide for the appointment of such secretary, to provide for the salary of each secretary, and the method of payment of such secretary.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 618, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. McMillan:

S. 619. To amend Section 3-1-13 of the Code of Alabama 1975, relating to the taking of mistreated animals by certain officers of the law and employees of humane societies, so as to require such persons to obtain a circuit court order prior to taking such animals.

Committee on Agriculture.

By Mr. McMillan:

S. 620. To amend Section 10-3-4 of the Code of Alabama, 1975, relating to the Alabama Non-Profit Corporation Act, so as to provide further for the availability of its provisions to existing corporations.

Committee on Judiciary.

By Mr. Fine:

S. 621. To amend Act No. 372, S. 362, Regular Session, 1976, which requires every municipality in the state to provide a civil service/merit system governing its law enforcement officers or to enter into an agreement for participation in the state merit system so as to include counties and their Deputy Sheriffs under the merit system, setting up population and years they are to become effective, and setting up appointment authority of the Board.

Committee on Local Government.

By Mr. Vacca:

S. 622. To exempt the Kidney Foundation of Alabama, Inc., from the payment of all state, county and municipal sales and use taxes.

Committee on Finance and Taxation.

By Mr. Waldrop (with notice and proof):

S. 623. Relating to the City of Gadsden; providing further for the selection of candidates for membership on the board of commissioners by prescribing the dates, term of office and conduct of holding primary, run-off, and general elections to such offices.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 623, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Waldrop (with notice and proof);

S. 624. Relating to certain incorporated municipalities within Etowah County; providing further for the term of office, dates, and for the holding of certain elections in all incorporated municipalities within said county except the city of Gadsden.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 624, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. King:

S. 625. To provide for the conduct of elections in the State of Alabama, including reporting of and limitation on political contributions and expenditures, prohibiting specified acts in connection with elections, and providing for definitions of certain words and phrases used in the act; to exclude from certain provisions of the act candidates with respect to which expenditures aggregating \$100 or less are made; to provide for certain requirements in connection with the organization and operation of political committees including the officers thereof, the manner of receiving and holding contributions thereby, record keeping practices of such committees, retention of records, notice of unauthorized activities, designation by a candidate of a principal campaign committee, and the filing of reports with such principal campaign committee; to provide for the registration of political committees, the contents of registration, statements, amendments to registration statements, notice in the event of disbanding of political committees and of certain other events, and the filing of reports by political committees other than principal campaign committees; to provide for reports of receipts and expenditures, including the deadline for the filing of such reports, the contents of such reports, the periods required to be covered by such reports, reporting of contributions or expenditures by persons other than a political committee or a candidate; to provide for preservation of copies of reports required under the act, treatment of debts, pledges, etc., in reports, and to make provision for filing by registered or certified mail; to provide for reports by persons other than an individual or political committee; to authorize corporations to make political contributions, to provide for campaign depositories, petty cash funds, and the mode and manner of making deposits to and withdrawals from such depositories and funds; to provide that the secretary of state shall perform the administrative functions of this act; to provide for the manner of filing and hearing complaints of violations of the act and of other election laws by the secretary of state, to provide for remedies to be applied by the secretary of state upon the finding of a violation of the provisions of the act or of the election laws of the state, to provide for the calling of new elections in the event of certain violations of the act and the manner of holding such elections, to provide for the time within which the secretary of state must act in considering complaints brought under the provisions of the act and for appeals from certain orders of the secretary of state; to provide that the attorney general shall provide legal advice to the secretary of state and shall represent the secretary of state in court proceedings; to provide certain limitations on contributions and expenditures of persons, firms, corporations, labor unions, political committees, candidates and others, to provide for the adjustment of limitations on expenditures based on the consumer price index; to provide for permissible use of contributed amounts remaining

after payment of the campaign expenditures; to prohibit intimidation of voters, to declare intimidation of voters to be a criminal act, and to provide penalties therefor; to prohibit expenditures to influence voting a criminal act, and to provide penalties therefor; to prohibit promise of employment or other benefit for political activity a criminal act, and to provide for penalties therefor; to prohibit publication or distribution of political statements without identification of the persons sponsoring such statement, to declare publication or distribution of political statements without identification of the persons sponsoring such statements a crime, and to provide a penalty therefor; to prohibit contributions in the name of another; to declare the making of contributions in the name of another a crime, and to provide a penalty therefor; to limit contributions of currency, to declare contributions of currency in excess of such limitation to be criminal acts, and to provide penalties therefor; to prohibit fraudulent misrepresentation of campaign authority, to declare fraudulent misrepresentation of campaign authority a crime and to provide penalties therefor; to enumerate and define certain other practices at elections as corrupt practices; and to provide penalties for those and other acts and omissions; to repeal certain laws including Code of Alabama 1975, Chapter 17-22, laws prohibiting private corporations from making campaign contributions, and all other laws in conflict with the provisions of the act to the extent of such conflict; to declare that the provisions of the act are severable and that a ruling that one portion of the act is unconstitutional or invalid shall not affect the remaining portions of the act; to provide for the effective date of the act.

Committee on Constitution and Elections.

By Mr. King:

S. 626. Amending Section 32-7-23 of the Code of Alabama 1975 so as to expand the uninsured motorist provisions.

Committee on Judiciary.

By Messrs. King, Vacca, Ellis, St. John, McDonald (S), Peden, Goodwin and McDonald (A):

S. 627. To propose and provide for the submission of an amendment to Section 110 of the Constitution of Alabama of 1901.

Committee on Constitution and Elections.

The above Bill was read a first time at length as required by the Constitution.

By Messrs. Owen, Bank, Shelby, Mims, Ellis and Gilmore:

S. 628. To provide for the designation and regulation of Industrial Parks by County Commissions; the legal status of Industrial Parks; facilities to be furnished and maintained by the Industrial Parks; to exempt Industrial Parks from annexation by municipalities and to exempt Industrial Parks from being included in the Police Jurisdiction of municipalities; and confirming the rights of taxation.

Committee on Local Government.

By Mr. Higginbotham (with notice and proof):

S. 629. Relating to Lee County, to provide further for the salary of the sheriff and to repeal conflicting laws.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 629, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Adams:

S. 630. To amend Section 37-27-16 of the Code of Alabama 1975 relating to retirement under the state employees' retirement system so as to provide that a beneficiary shall not be deemed returned to active service as long as such beneficiary is employed by an employer in a position in which such employee is prohibited from participating in the retirement system.

Committee on Finance and Taxation.

By Mr. McMillan (with notice and proof):

S. 631. Relating to Jefferson County; levying an additional 1% lodging tax to be used by the Greater Birmingham Convention and Visitors Bureau to be used for the promotion of Birmingham as a convention and visitors' destination; providing that the Director of Revenue shall collect such tax.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 631, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. King:

S. 632. To further amend Section 4 of Act No. 551, H. 321, Regular Session 1967 (Acts 1967, Vol. II, p. 1300), as amended, relating to the Alabama State Council on the Arts and Humanities so as to bring the employees of such Council under the provisions of the Merit System Act and State Employees' Retirement System.

Committee on State Government.

By Mr. McMillan:

S. 633. To amend Section 28-3-74 of the Code of Alabama, 1975, to make provision in the disposition of the net profits derived from the proceeds of the Alabama liquor stores by the Alabama Alcoholic Beverage Control Board including all license fees collected and taxes levied upon the selling price of all spirituous or vinous liquors, so that a percentage thereof shall be apportioned and paid to the state department of mental health specifically for the purpose of promoting temperance in the State, and the facilities therefor.

Committee on Finance and Taxation.

By Mr. Pearson:

S. 634. To amend Section 2 of Act 182, S. 442, 1976 Regular Session (Acts of 1976, p. 176), so as to require supervision for inmates released prematurely due to good time credit.

Committee on Judiciary.

By Mr. Pearson:

S. 635. To amend Section 2 of Act 182, S. 442, 1976 Regular Session

(Acts of 1976, p. 176), so as to require supervision for inmates released due to good time credit earned under provisions of this Act.

Committee on Judiciary.

By Messrs. Pearson and Clemon:

S. 636. To amend Section 32-6-6, Code of Alabama 1975, which provides for the contents of state drivers' licenses, so as to provide that the letter designation "B" shall be used for the racial identification of black persons.

Committee on Judiciary.

By Mr. McMillan:

S. 637. To amend Section 34-11-14 of the Code of Alabama 1975, which exempts certain persons and acts from requirements relating to the practice of engineering or land surveying, so as to allow further exemptions.

Committee on Commerce, Transportation,
and Utilities.

By Mr. McMillan:

S. 638. To provide penalties for any person who abuses his or her spouse; and to prescribe that such penalties are cumulative to penalties provided for assault.

Committee on Judiciary.

By Mr. McMillan:

S. 639. To amend Section 21-7-3 of the Code of Alabama, 1975, which section relates to the rights of the handicapped to full and equal access of public conveyances and transportation facilities, lodging places, places of public accommodation and other rights, so as to add telephone facilities; to define "telephone facilities" and to mandate that any public utility must make all charges just and reasonable for equipment furnished and services rendered therefor; to require efficient instrumentalities, equipment and facilities necessary for the safety, health, comfort and convenience of its patrons, employees and public; and to require certain action and approval by the Public Service Commission for such equipment furnished and services rendered.

Committee on Judiciary.

By Mr. Fine:

S. 640. To provide for and authorize the incorporation of a public corporation as a political subdivision of the state to be named Buttahatchee River Development Authority, for the development of the Buttahatchee River, its tributaries and watershed, for the purposes of navigation, water conservation and supply, flood control, irrigation, industrial development, public recreation and related purposes; to provide for the composition of the board of directors of the Authority; to specify the powers and duties of the Authority and its board of directors; to authorize the Authority to investigate the resources of the Buttahatchee River watershed, to determine requirements for its full development and control, and to carry out a unified comprehensive program of resource development, together with other powers to effectuate the foregoing objective; to authorize the Authority to acquire land and interests in land by purchase, construction, lease, condemnation or

otherwise, and to hold, manage and sell such land and interests therein; to make provisions respecting the establishment and revision of rates, fees and charges for services rendered by the Authority; to provide for the issuance by the Authority for any of its corporate purposes of interest-bearing revenue bonds and notes payable solely out of the revenues of the Authority or out of the revenues of any particular facilities and other property of the Authority, without regard to the specific facilities and other property with respect to which such bonds and notes may have been issued; to provide that such bonds and notes shall constitute negotiable instruments; to provide bonds and notes may be secured by a pledge of the revenues from which they are payable, by contracts binding the Authority for the proper application of its revenues and the proceeds of such bonds and notes and by a non-foreclosable mortgage or deed of trust or statutory mortgage lien on the facilities and other property out of the revenues from which such bonds and notes are payable, and to provide that bonds and notes of the Authority may be issued under a trust indenture; to provide for constructive notice of any such statutory mortgage lien; to authorize and make provisions respecting the assumption by the Authority of obligations respecting facilities and other property acquired by the Authority; to provide for the use of the proceeds of bonds and notes issued by the Authority; to provide for the refunding, by the issuance of bonds and notes of the Authority, of bonds and notes therefore issued or obligations theretofore assumed by it; to provide that bonds and notes issued and contracts entered into by the Authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality or other political subdivision of the state; to authorize Marion and Lamar Counties and the municipalities located therein to contribute money to the Authority, without the necessity of an election and with or without consideration therefor; to exempt from all taxation in this state, the Authority, its property, corporate activities, income, revenues, bonds and notes, the income from its bonds and notes, and conveyances, leases and mortgages and deeds of trust to which the Authority is a party, and to exempt the Authority from payment of certain charges to Judges of Probate; to provide that the Authority shall be exempted from regulation and supervision by the Public Service Commission and the State Department of Finance; to provide for the use of public roads in the state by the Authority; and to provide for certain annual reports by the Authority.

Committee on Local Legislation No. 1.

By Messrs. Gilmore, Wilson, McMillan and McDonald (S):

S. 641. To make an appropriation out of the trust fund for the Public Service Commission to pay salaries for costs of additional personnel of Public Service Commission staff.

Committee on Finance and Taxation.

By Mr. Fine:

S. 642. Proposing an amendment to the Constitution of Alabama relative to the Buttahatchee River Watershed Area.

Committee on Local Legislation No. 1.

The above Bill was read a first time at length as required by the Constitution.

By Messrs. Vacca and Ellis:

S. 643. To amend Section 6-5-332 of the Code of Alabama of 1975, herein called "the good samaritan law", by extending the protection of the good samaritan law to any member of any police or fire department while such member in the performance of his duty as a member of such department is rendering first aid or emergency care to a person injured or ill.

Committee on Judiciary.

By Messrs. Pearson, Vacca, Ellis, Clemon, McMillan, Wilson, Gilmore and Proctor:

S. 644. To create an additional judgeship for the Tenth Judicial Circuit of Alabama; to provide for the election of an incumbent thereof; to prescribe the jurisdiction, powers, authority, qualifications, duties, and compensation of such incumbent, and to render such incumbent liable to all the pains and penalties of other Circuit Judges in the State; to further provide for a division of authority and duties between judgeships in said Circuit; to increase the number of Circuit Judges in the Tenth Judicial Circuit of Alabama to 20; to repeal all laws or parts of laws in conflict herewith; and to provide the effective date of this Act.

Committee on Finance and Taxation.

By Messrs. Vacca, Pearson, Ellis, Clemon, McMillan, Wilson, Gilmore and Proctor:

S. 645. To amend Section 12-17-61(4) of the 1975 Code of Alabama; to reduce the number of District Judges in Jefferson County from 12 to 11 District Judges; to repeal all laws in conflict herewith; to provide the effective date during which said reduction in District Judgeships from 12 to 11 in Jefferson County shall be effective; and to provide the effective date of this Act.

Committee on Finance and Taxation.

By Mr. McMillan:

S. 646. To make it a felony to falsify any claim or application for payment or benefits from Medical Services Administration; to make it a felony to offer, pay, solicit or receive kickbacks, bribes or rebates for referring, furnishing, arranging, purchasing, leasing or ordering any good, item, service or facility for which any payment may be made by Medical Services Administration.

Committee on Judiciary.

By Mr. Teague:

S. 647. To amend Section 2-10-20 of the Code of Alabama 1975 so as to redefine the word or term "association" contained therein.

Committee on Commerce, Transportation,
and Utilities

By Mr. Waldrop:

S. 648 To exempt the Ambulance Services, Inc. of Gadsden, Alabama from the payment of all state, county and municipal sales and use taxes.

Committee on Finance and Taxation.

By Mr. Jones:

S. 649. To authorize Alabama Building Finance Authority to sell and issue not exceeding \$2,000,000 principal amount of bonds for the purpose of constructing a vehicle parking facility on land owned by the state in the capitol complex; to authorize the issuance of refunding bonds; to provide for the investment of the proceeds from the sale of the bonds of the Authority; to provide that all properties of the Authority and the income therefrom and all bonds issued and the income therefrom and all leases made and the recording thereof and all lien notices filed shall be exempt from all taxation in the State of Alabama; to provide that such bonds shall constitute negotiable instruments; to provide that such bonds shall be payable solely out of revenue derived from the rental of the parking facility to the various state departments and shall not create obligations or debts of the state; to provide that any bonds issued by the Authority may be used as security for deposits and investment of public funds and fiduciary funds; to specify the application of the proceeds of the bonds of the Authority; to create a reserve fund for the benefit of the bonds of the Authority; to authorize the Authority to pledge such revenues from said parking facility (when and as such revenues become available to the Authority) which may be necessary to pay the principal of and interest on its bonds; to authorize the filing for record of an instrument reciting the issuance of the bonds and the creation of the pledge as a lien on the revenues, which filing will constitute constructive notice; to provide that the State Treasurer shall be custodian of the funds of the Authority; to provide for the lease to and by agencies, boards, commissions, bureaus and departments of the State of Alabama, of parking space in said parking facility; to amend Section 25 of Act No. 658 enacted at the 1961 Regular Session of the Legislature of Alabama; and to authorize publication of notice of the resolution authorizing any bonds or pledge and to specify a limitation of time thereafter for actions or defenses respecting said bonds or pledge.

Committee on Finance and Taxation.

By Mr. Teague:

S. 650. To amend Section 11-50-313 of the Code of Alabama 1975, relating to Boards of Directors for the operation of water, sewer, gas, and electric systems, so as to allow the members on said boards in certain municipalities the discretion to increase their compensation for serving on said boards.

Committee on Commerce, Transportation,
and Utilities

SPECIAL ORDER

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first item of which was the Bill:

S. 406. Making an appropriation for the support and sponsorship of the 1978 VICA U. S. Skill Olympics.

And said Bill, S. B. 406, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 27; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, Little McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Powell, Proctor, Roberts, St. John, Stewart, Teague, Vacca.

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Nays:

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MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Manley:

H. J. R. 408. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Thursday, February 23, we adjourn to meet again on Tuesday, February 28 and when we adjourn on Tuesday, February 28 we adjourn to meet again on Thursday, March 2; when we adjourn on Thursday, March 2, we adjourn to meet again on Tuesday, March 7, and when we adjourn on Tuesday, March 7 we adjourn to meet again on Thursday, March 9; and when we adjourn on Thursday, March 9, we adjourn to meet again on Tuesday, March 21.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 408, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 422. Recognizing Dr. Mel Lucas upon the Proclamation of Mel Lucas Day.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

BILLS ON THIRD READING RESUMED

The Bill:

S. 451. To amend Section 22-21-70 of the Code of Alabama of 1975 so as to expand the definition of the term "hospital" contained in said section to include facilities to provide offices for persons engaged in the diagnosis, treatment or cure of sick and injured persons and to house or service equipment used for the diagnosis, treatment or cure of sick or injured persons or the records of such diagnosis or treatment or research with respect to any of the foregoing and to include parking facilities, areas or structures appurtenant to any facilities included within the meaning of the term "hospital."

was taken up.

Mr. St. John offered the following amendment to the Bill, S. B. 451, to-wit:

AMENDMENT TO S. B. 451

Amend Senate Bill No. 451 Page 2 Lines 15 and 17 by inserting after the word "of" and before the word "sick" the word "diseased,"

REPORTS OF COMMITTEES

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Callahan, et al:

H. 88. To establish a student assistance program in the State of Alabama to be known as the Alabama Student Grant Program, which will provide for state grants, on behalf of and to the credit of eligible students who are bona fide residents of Alabama, to be paid to certain approved institutions of post-secondary education in Alabama; to set forth legislative findings and purposes underlying the Program; to provide for the grants payable under the Program; to designate the Alabama Commission on Higher Education to administer the Program; to vest the Alabama Commission on Higher Education with the powers and duties reasonably needed for the effective implementation and administration of the Program; to establish various procedures and requirements concerning the availability of grants, applications for grants, approval and award of grants, renewal of grants, and revocation of grants; to prohibit the use of grants for religious or sectarian purposes and to prohibit the use of money raised for the support of public schools to support schools of a predominantly sectarian or denominational character; to provide for periodic auditing of approved institutions; to provide for periods when there may be insufficient funds to provide such eligible student with a full grant for the terms requested; to provide a penalty for false statements or misrepresentations in connection with the procurement of grants; to make an appropriation funding the program from the Special Education Trust Fund; to provide for severability; to repeal conflicting laws; and to provide an effective date.

By Mr. Jones:

S. 459. To amend Section 36-21-1 of the Code of Alabama 1975 to

further provide for the payment of fees and costs of the defense of law enforcement officers in certain cases and to further provide for the appropriation of funds to finance this section.

By Mr. Jones:

S. 499. To appropriate \$600,000 from the general fund of the state treasury to the Department of Public Safety for the purpose of constructing and equipping of a district trooper office in Houston County.

By Mr. Perloff:

S. 522. To amend Sections 25-10-3, 25-10-4 and 25-10-10, Code of Alabama 1975, known as the small business assistance act, so as to create a department of small and minority business enterprise; to provide powers and duties of the office; and to make a continuing appropriation.

By Messrs. St. John and Ellis:

S. 549. To amend Sections 610, 2612, and 630 of Act No. 607, S. 33, Regular Session 1977 (Acts of Alabama 1977, p. 812), the Alabama Criminal Code, so as to further provide and clarify the instances when a person may use deadly physical force in defense of a person, to change the designation, classification and penalty for the offense of burglary in the third degree, and to further provide and clarify the instances when and the amount of force a peace officer or guard may use in making an arrest or preventing an escape.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with substitute, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. St. John and Ellis (With Substitute):

S. 550. To amend Sections 130, 1230, 3202, 3203, 3204, 3207, 3208, 3210, 3250, 3280, 4045, 4550, 4601, 4608, 4705, 5511, 5530, and 9901 of Act No. 607, S. 33, Regular Session 1977 (Acts of Alabama 1977, p. 812), entitled, "An Act To provide an entirely new criminal code for the State of Alabama; defining offenses, fixing punishment; repealing numerous specific code sections and statutes that conflict herewith as well as all other laws that conflict with this act."

By Messrs. Merrill, Robertson and Coburn (With Substitute):

H. 119. To provide, in addition to benefits now received, a cost-of-receiving increase in retirement benefits for persons retired or otherwise receiving benefits under the state employees' or teachers' retirement systems prior to October 1, 1977; to specifically exclude certain persons from the provisions hereof; to make the provisions hereof optional to each county or municipality having retired employees participating in either state retirement system; to make appropriations to carry out the provisions hereof; and to repeal conflicting laws.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. King:

S. 19. To exempt The Pathfinder, Inc. of Huntsville, Alabama from the payment of state, county or municipal sales or use taxes.

By Mr. Waldrop:

S. 104. To amend Section 40-9-1, Code of Alabama 1975, so as to exempt from ad valorem taxation all property owned by Loyal Order of Moose or lodge thereof, provided such property is used and occupied exclusively by such organization.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Jones (With Substitute):

S. 132. To provide for the establishment and regulation of a national guard scholarship fund committee; to provide for certain scholarships; and to make an appropriation therefor.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Edwards:

S. 177. To exempt the Decatur High School Band Boosters, a non-profit organization, from the payment of all state, county and municipal sales and use taxes.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Mims (With Amendment):

S. 221. Relating to the manufacture and distribution of commercial feeds; requiring licensing of manufacturers of commercial feeds; requiring the labeling of such feeds; prohibiting the adulteration or misbranding of any commercial feeds; providing for the inspection of such feeds; authorizing the commissioner of agriculture and industries to promulgate certain rules and regulations for enforcement of the act; providing penalties for violations; and repealing Sections 56-68, Title 2, Code of Alabama 1940.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Little:

S. 296. Relating to taxation; exempting the Auburn Heritage Association, Incorporated, a non-profit corporation, from the levy of all state, county, municipal and local sales tax and use tax.

By Mr. Noonan:

S. 326. To exempt the ALLEN MEMORIAL HOME, INC., from the

payment of all state, county and municipal sales and use taxes, licenses, fees and excises, under certain prescribed conditions.

By Mr. Noonan:

S. 327. To exempt the PARTICULAR COUNCIL OF MOBILE SOCIETY OF ST. VINCENT de PAUL from the payment of all state, county and municipal sales and use taxes, licenses, fees and excises, under certain prescribed conditions.

By Mr. Noonan:

S. 328. To exempt the LITTLE SISTERS OF THE POOR, HOME FOR THE AGED, INC. from the payment of all state, county and municipal sales and use taxes, licenses, fees and excises, under certain prescribed conditions.

By Mr. Noonan:

S. 329. To exempt the VILLA MERCY, A CORPORATION, from the payment of all state, county and municipal sales and use taxes, licenses, fees and excises, under certain prescribed conditions.

By Messrs. Goodwin, Waldrop and Higginbotham:

S. 335. To amend Section 40-9-1, Code of Alabama 1975, so as to exempt from ad valorem taxation all property owned by Loyal Order of Moose or lodge thereof, provided such property is used and occupied exclusively by such organization.

By Mr. Roberts:

S. 429. To exempt the Alabama Chapter of the Leukemia Society of America from the payment of all state, county, and municipal sales and use taxes.

By Mr. McMillan:

S. 453. To make further provision for the issuance of bonds by Alabama Highway Finance Corporation by (i) amending Section 23-1-177 of the Code of Alabama 1975 so as to limit to Twenty-five Million Dollars the principal amount of bonds (other than refunding bonds) authorized to be issued by the said corporation after February 1, 1978, and so as to provide that no bond issued under Article 7 of Chapter 1 of Title 23 of the said Code may mature later than twenty years from its date, (ii) supplementing the said Article 7 by the appropriation and pledge of funds necessary to pay the principal of and the interest on bonds issued after February 1, 1978, under the said Article 7, and specifying the rank or precedence of the pledges for the benefit of the said bonds, and (iii) repealing Section 9 of Act No. 228 adopted at the 1965 Regular Session of the Legislature.

By Mr. McMillan:

S. 454. To amend Division 2, Article 2 of Chapter 17 of Title 40 of the Code of Alabama 1975 so as to make further provisions as to the distribution of the proceeds of the highway gasoline tax, as that term is defined in the said Division.

By Mr. McMillan:

S. 455. To amend Article 1, Chapter 17 of Title 40 of the Code of Alabama 1975 (relating to the excise tax on motor fuel as defined in the said

Article 1), so as to make further provision for the disposition of the proceeds of the tax levied thereby.

By Mr. McMillan:

S. 456. To amend Section 40-12-270 of the Code of Alabama 1975, so as to make further provisions as to the use of that portion distributed to the state of the proceeds of the motor vehicle license taxes and registration fees imposed by Division 1, Article 5 of Chapter 12, Title 40, Code of Alabama 1975, as amended.

By Mr. McMillan:

S. 457. To amend Section 15 of Act No. 565 adopted at the 1976 Regular Session of the Legislature so as to clarify the said section; so as to provide that the pledges, provided for in the said Act No. 565, as amended by this act, of proceeds from certain taxes and fees as security for \$212,000,000 principal amount of obligations of Alabama Federal Aid Highway Finance Authority will be subject and subordinate not only to existing prior pledges but also to (i) all pledges of proceeds from the said taxes and fees that may hereafter be made as security for \$25,000,000 principal amount of bonds of Alabama Highway Finance Corporation and (ii) all pledges of the said proceeds that may be made after December 1, 1977, for the benefit of certain refunding bonds; and so as to delete the portion of the said Section 15 that provides for the pledge, for the benefit of obligations issued under the said Act No. 565, of the registration fee imposed by subdivision (5) of Section 37-3-32 of the Code of Alabama 1975.

By Messrs. St. John and Fine:

S. 530. To amend section 12-18-8, Code of Alabama 1975, which relates to the state judicial retirement system law, so as to provide for the transfer of certain contributions from the teachers' retirement system to the judicial retirement fund; to provide further for the meaning of legal or judicial service as it relates to eligibility within said judicial retirement system; and to extend the qualifying date of service as it relates to eligibility within said system.

By Messrs. Stewart, Roberts, Shelby, McMillan, Little, Adams, Owen and Teague:

S. 556. To provide for a silent meditation period in the public schools.

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. McCluskey:

H. 234. To name that portion of U. S. Highway 280 from the north boundary of Sylacauga, Alabama to the south boundary of Sylacauga, Alabama, "The Jim Nabors Highway."

Mr. St. John, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. McMillan (With Substitute):

S. 87. To amend Section 32-5-76 of the Code of Alabama, 1975, which prohibits the operation of a motor vehicle loaded with gravel or other like substance in such manner that the contents of the vehicle spill out and endanger the property and safety of motorists and pedestrians, so as to further regulate such vehicles and to prescribe the punishment therefor.

Mr. St. John, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. McMillan:

S. 525. To authorize the state board of pardons and paroles to charge certain probationer residents of community residential facilities a monthly amount for room and board; to earmark the proceeds from such charges for funding the residential facilities; and to authorize the board of pardons and paroles to promulgate such rules and regulations as may be necessary for carrying out the provisions of this act.

By Mr. McMillan:

S. 353. To amend Section 15-13-3, Code of Alabama 1975, relating to admission to bail, so as to further regulate the admission to bail when a defendant is charged with certain offenses and when charged with certain offenses committed while on bail for any previous charge; and to provide for the act to become effective upon the adoption of an amendment to the Constitution of Alabama authorizing the provisions thereof.

Mr. St. John, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Mr. Bank (With Substitute) (With Amendments):

S. 36. To provide that the act, use, or employment by any person of any deception, deceptive act or practice, fraud, false pretense, false promise, misrepresentation, or concealment, suppression or omission of any material fact with intent that others rely upon such concealment, suppression or omission, in connection with the sale or advertisement of any merchandise whether or not any person has in fact been misled, deceived, or damaged thereby, is declared to be an unlawful practice; to prescribe procedure for prosecution of such unlawful practice and to provide civil and criminal penalties for violators.

Mr. St. John, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Edwards (With Substitute):

S. 173. To repeal Section 12-15-67 of the Code of Alabama 1975, which provides statements of a child made during the process of the case shall not be used prior to determination of allegations of petition in delinquency or in need of supervision cases or prior to conviction in criminal proceedings.

Mr. St. John, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Edwards:

S. 435. To amend Section 12-17-112, Code of Alabama 1975, relating to the compensation of registers of the circuit court.

Mr. St. John, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Baker (With Substitute):

S. 74. To amend Code of Alabama 1975, Section 12-18-10, which relates to Judicial Retirement after the effective date hereof on the judge's final salary at the time of retirement.

Mr. St. John, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Baker:

S. 76. To propose an amendment to the Constitution of Alabama requiring an affirmative act of the Legislature to implement the recommendations of the Judicial Compensation Commission.

The above Bill was read a second time at length as required by the Constitution.

By Mr. Baker:

S. 77. To amend Code of Alabama 1975, Section 12-10-5, which relates to recommendations of the judicial compensation commission, to require an affirmative act of the legislature to implement such recommendations.

By Mr. Higginbotham:

S. 112. To permit the Department of Public Safety to charge for the cost of providing goods and services furnished upon request and permit the retention of such funds in the Department's current operating budget.

By Mr. Peden:

S. 475. To grant the University of North Alabama the power of eminent domain within Lauderdale County in the State of Alabama.

By Mr. Stewart:

S. 468. To authorize counties and incorporated municipalities in this state to form a regional, nonprofit, public corporation which will provide for the temporary care and custody of youths who have been placed under the jurisdiction of a juvenile court; to provide for the chartering and general organizational structure of such corporation; to authorize governing bodies of such counties and municipalities to appropriate monies for the support of such corporation's facilities and programs; to provide for local control by the corporation's board of directors of the operation of any of such corporation's

facilities and programs and to provide certain tax exemptions for such corporation.

Mr. St. John, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. McMillan (With Amendment):

S. 355. Proposing an amendment to Section 16, Article 1, Constitution of Alabama 1901, relating to the right of all persons to bail before conviction, so as to further provide for exceptions to such right.

The above Bill was read a second time at length as required by the Constitution.

Mr. St. John, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Pegues:

H. 184. To authorize municipalities which retain their municipal courts to retain funds collected as "fair trial tax" and to use such funds to defray the costs of providing representation for indigent defendants in their courts; to require that such municipalities remit to the state treasury any funds collected as "fair trial tax" which are not used in providing representation for indigent defendants in their courts, notwithstanding the provisions of Article 5, Chapter 19, Title 12, Code of Alabama, 1975; to repeal conflicting laws.

Mr. Waldrop, Chairman of the Standing Committee on Business and Labor Relations, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Powell (With Substitute):

S. 467. To establish certain rights of professional employees and boards of control in public schools, to prohibit practices which are inimical to the welfare of such public schools, and to provide for the orderly and peaceful resolution of disputes concerning terms and conditions of professional service and other matters of mutual concern.

Mr. McDonald (S), Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Vacca:

S. 42. To provide that local city and county boards of education shall have authority to establish a minimum distance, if any, that a pupil must live from the school he attends before he is entitled to public transportation.

Mr. McDonald (S), Chairman of the Standing Committee on Education,

reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendment, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Perloff (With Amendment):

S. 157. To provide immunity from civil liability in tort for all members of any public board of education in this state and for all employees of such boards for actions occurring while such persons are engaged in official business of their respective boards on district-owned property.

By Mr. Peden (With Amendment):

S. 79. To prohibit state supported junior colleges, colleges and universities from constructing or otherwise acquiring branch campuses for operation within a certain radius of any other such junior colleges, colleges or universities without the express consent of the legislature.

Mr. McDonald (S), Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Little:

S. 283. To require that each city and county board of education reimburse its employees for mileage when said employees are required to travel as a part of their job assignment.

Mr. McDonald (S), Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Mr. Little (With Amendments):

S. 295. To require city and county boards of education to provide personal liability insurance for bus drivers or any employee required to transport pupils or perform maintenance services for the employing board.

Mr. McDonald (S), Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. McDonald (S) (With Substitute):

S. 302. To provide that full-time employees and executive officers of the Alabama Council for School Administration and Supervision may elect to become members of the Teachers' Retirement System of Alabama; also to provide that said Council and its employees shall assume all costs, both contributory and administrative; and no cost shall devolve upon the state.

Mr. McDonald (S), Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Ellis and Bank:

S. 330. To amend sections 16-25-1 and 16-25-21, Code of Alabama

1975, which relate to the state teachers' retirement system, so as to redefine the term "teacher" to include employees or officers of the American Federation of Teachers, and providing for certain contributions into the system, thereby allowing such persons to participate in the state teachers' retirement system.

By Mr. Bank:

S. 507. To amend Section 16-53-3, Code of Alabama 1975, relating to the board of trustees of Livingston University, so as to further provide for the membership of such board.

By Mr. McDonald (S):

S. 439. To amend Code of Alabama 1975, § 16-11-9, to clarify authority of city boards of education to administer and supervise schools so as to broaden such authority.

By Mr. McDonald (S):

S. 440. To amend Code of Alabama 1975, § 16-8-8, to clarify authority of county boards of education to administer and supervise schools so as to broaden such authority.

By Mr. Ellis:

S. 436. To require that after September 1, 1980, all principals shall be full-time principals and shall not be scheduled to teach more than one class period per day.

Mr. Bank, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Gilmore:

S. 360. To amend Section 1 of Act No. 516 enacted at the 1955 Regular Session of the Legislature of Alabama, as heretofore amended, to provide that the term "clinical facilities," as defined in said Section 1 of said Act No. 516, shall include any retirement home, retirement apartments or other similar domiciliary facility to be used, operated and maintained either as a part of, or in conjunction with, any nursing home.

Mr. Bank, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Bank (With Substitute):

S. 316. To require health education of high school students in the public high schools of Alabama.

Mr. Bank, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Bank:

S. 543. To amend Section 6-5-333 of the Code of Alabama 1975 relat-

ing to dentists constituting utilization and quality control committees, peer review committees or professional standards review committees.

By Mr. Sonnier:

H. 356. To require that all drugs and prescriptions dispensed have a label conspicuously bearing either the trade name or generic name; to provide definitions, exceptions hereunder, and penalties for violations; and to authorize the Alabama state board of pharmacy to establish, prescribe, and promulgate standards, rules, and regulations, as necessary, to administer and effect the provisions of this Act.

By Mr. Bank:

S. 516. To amend Section 20-2-74 of the Code of Alabama, 1975, to prohibit practitioners of medicine from prescribing, administering or dispensing controlled substances other than for a legitimate medical purpose in the usual course of professional practice.

Mr. Bank, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Ellis and Perloff (With Amendments):

S. 285. To vest regulatory authority over hazardous waste management in the State Board of Health: to authorize the Board to accept and administer lands to be used as disposal sites for hazardous wastes; to vest perpetual responsibility for such sites in the State; to establish the Hazardous Wastes Technical Advisory Committee; to place certain responsibilities for hazardous waste management upon the Board; to empower the Board to develop and revise criteria for identifying hazardous wastes and to list such wastes; to empower the Board to adopt and revise rules and regulations, guidelines, criteria and standards; to require permits for hazardous waste management practices and establish procedures for such permitting; to require generators of hazardous wastes to dispose of such wastes in an approved manner; to place certain responsibilities upon generators of hazardous wastes, transporters of hazardous wastes and operators of hazardous waste storage and treatment facilities and disposal sites; to require the use of a manifest; to require the reporting of hazardous wastes generated by the generator; to provide for penalties and remedies; to provide for administration and enforcement; to allow appeal; and to establish the Hazardous Wastes Management Fund and to make appropriations therefrom.

Mr. Bank, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Pearson (With Substitute):

S. 358. To regulate occupational therapy; to provide for a short title; to provide for a declaration of purpose; to provide for definitions; to provide for the Alabama State Board of Occupational Therapy, its establishment, terms of office, vacancies, and removal of members; to provide for members of the Board; to provide for administrative provisions and powers and duties of the Executive Board of Alabama; to provide for service of process and official records as prima facie evidence; to provide for licenses as a requirement of

practice; to provide for persons and practices not affected by this Act; to provide for requirements for licenses; to provide for examinations; to provide for waiver of requirements for licenses; to provide for fees; to provide for crimes and criminal penalties for violations of this Act; to provide for other matters relative to the foregoing; to provide for severability; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Mr. Mitchell, Chairman of the Standing Committee on Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Mitchell and McMillan (With Substitute:

S. 194. To provide for the registration of all perpetual care cemeteries; to define terms; to name and designate the Alabama State Commissioner of Insurance as Commissioner under this act, and authorize a deputy commissioner, with specifications of their duties; to provide for regulations; to provide for cemetery signs; to provide for mandatory contractual provisions; to require the creation of irrevocable trust funds, with trustees and depositories, and prescribe their functions; to provide for the issuance of licenses, and the revocation, suspension and refusal to renew same, and hearings thereon; to provide for the promulgation of rules and regulations for the operation of perpetual care cemeteries; to provide for reports, inspections and audits in the administration of the provisions of this act; to provide for civil relief and criminal penalties; to repeal conflicting laws.

Mr. Mitchell, Chairman of the Standing Committee on Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Noonan:

S. 505. To amend section 27-36-2, Code of Alabama 1975, which provides for the maintenance of unearned premium reserves by title insurers in an amount not less than ten percent of the total amount of risk premiums written in the calendar year for title insurance contracts and provides for the reduction of the reserve applicable to the contract by five percent during each of the twenty years following the year in which the contract was issued.

Mr. Gilmore, Chairman of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Edwards:

S. 569. To amend Section 34-27-31, Code of Alabama 1975, which relates to qualifications for the licensing of real estate brokers in this state, so as to provide that if a judgment is entered against a licensed real estate broker, such licensee shall have 60 days in which to pay any such outstanding judgment, otherwise the license is automatically suspended.

By Mr. Biddle:

H. 13. To amend Sections 34-27-3, 34-27-4, 34-27-7, 34-27-9, and 34-27-33 through 34-27-38 of the Code of Alabama 1975 which regulates real

estate brokers, salesmen and real estate transactions, so as to provide further therefor.

By Messrs. Coburn, Carter, Roberts and Holmes (D):

H. 80. To require motor vehicle franchisors to indemnify their motor vehicle franchisees for certain liabilities and to fairly compensate motor vehicle franchisees for warranty work performed.

Mr. Jones, Chairman of the Standing Committee on State Government, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Ellis:

S. 31. To require the State Building Commission to adopt, promulgate and enforce a state building code which contains energy conservation measures; to provide that said code is to be used in all future construction or remodeling of buildings which are constructed with state appropriated funds.

By Mr. Ellis:

S. 118. To provide for the periodic safety inspection of certain dams in this state by the State Department of Civil Defense.

Mr. Roberts, Chairman of the Standing Committee on Local Government, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Hill, Greer and Coburn:

H. 431. To authorize any town or city in the State of Alabama to plan, establish, develop, acquire, construct, enlarge, improve, maintain, equip, operate, regulate and protect any building, structure, land, leasehold estate, interest in land, right of way, equipment or instrumentality used or useful in connection with construction, equipping, development, maintenance or operation of any area or building for off-street parking of motor vehicles (defined as parking facilities), to finance the cost of parking facilities in whole or in part by the issuance of bonds, warrants, notes or other evidences of indebtedness maturing at such time or times as the Governing Body of the town or city may determine, not exceeding thirty years from their respective dates; to pledge to the payment thereof its full faith and credit and any tax, license or revenues which the town or city may then be authorized to pledge to the payment of bonded or other indebtedness; to lease or let parking facilities or any one or more of them to such tenant or tenants for such periods and for such compensation or rental and on such conditions as the governing body of the town or city may prescribe; to fix, establish, collect and alter parking fees, tolls, rents and other charges for the use of any parking facility; to make and enforce rules and regulations governing the use of any parking facilities owned or operated by the town or city and to execute such contracts and other instruments and to take such other action as the governing body of the town or city may deem necessary or convenient in connection with parking facilities.

By Mr. McDonald (S):

S. 523. To remove prohibitions against municipal officers serving as officers or board members of cooperative utilities; to provide that persons

serving in both capacities shall not be deemed to be interested in contracts between the municipality and the cooperative utility; and to repeal conflicting laws.

By Mr. Shelby:

S. 478. To amend Section 11-42-21, Code of Alabama 1975, which section provides for annexation of territory by municipalities of 2,000 inhabitants or more so as to provide a procedure for altering the corporate boundaries of such incorporated municipalities in the event one or more such incorporated municipalities have overlapping police jurisdictions.

Mr. Baker, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Campbell (with notice and proof):

H. 413. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Toxey in Choctaw County.

By Messrs. Turnham and Ward:

H. 387. To provide a county salary supplement for the circuit judges of the thirty-seventh judicial circuit to be paid by the county composing said circuit, to require certain contributions of said judges who participate in the county retirement system, and to repeal conflicting laws.

By Messrs. Baker and Whatley (with notice and proof):

H. 353. Relating to Russell County; amending Section 1 of Act No. 925, H. 1333, 1969 Regular Session (Acts of 1969, p. 1663), so as to include in the taxing and collection of law library fees court costs in cases docketed in the district court.

By Messrs. Dial, Shoemaker, McCluskey and Moore (O) (with notice and proof):

H. 318. To extend, alter and rearrange the boundary lines and corporate limits of the Town of Lincoln, Talladega County, Alabama.

By Messrs. Hill, Greer and Coburn (with notice and proof):

H. 316. Relating to the City of Florence in Lauderdale County; waiving certain city taxes on certain annexed farm land.

By Messrs. Smith (M), Ward and Turnham:

H. 317. To amend Section 2 of Act No. 50, H. 91 of the 1977 First Special Session (Acts of 1977, p. 1472) entitled, "An Act Relating to all counties having a population of not less than 35,000 nor more than 38,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide additional compensation for the members of the county commission," so as to provide that the additional compensation be paid out of any county fund or funds, including the road and bridge fund.

By Messrs. Smith (M), Ward and Turnham (with notice and proof):

H. 313. To amend Section 4 of Act No. 182, H. 439, Regular Session 1977, which act provides for the reidentification of registered voters of

Chambers County so as to further provide for the compensation of the members of the board of registrars for attendance upon special sessions of the board.

By Messrs. Baker and Whatley (with notice and proof):

H. 312. Relating to Russell County; to further regulate voter registration; to provide for the suspension of the voter's registration and rights when a registered voter fails to vote in at least one election for which he was eligible, held during the preceding four (4) years; and to provide for the reidentification procedure for such person.

By Mr. McCulley (With Notice and Proof):

H. 104. Relating to Washington County; giving the county governing body certain powers in regard to constructing and maintaining and repairing certain roads and rights-of-way leading to private dwellings.

By Messrs. Little and Higginbotham:

S. 336. To repeal Act No. 70, S. 60 of the 1977 First Special Session of the Legislature (Acts of 1977, p. 1499) entitled, "An Act Relating to all counties having a population of not less than 35,000 nor more than 38,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide additional compensation for members of the county commission."

By Messrs. Higginbotham and Little:

S. 338. To amend Section 2 of Act No. 50, H. 91 of the 1977 First Special Session (Acts of 1977, p. 1472) entitled, "An Act Relating to all counties having a population of not less than 35,000 nor more than 38,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide additional compensation for the members of the county commission," so as to provide that the additional compensation be paid out of any county fund or funds, including the road and bridge fund.

By Mr. Adams (with notice and proof):

S. 539. Relating to Houston County; to prescribe the composition of the hospital board of said county; to ratify and confirm all previous acts of said board in approving and authorizing the sale of bonds for financing hospitals in said county and to provide for supplemental effect.

Mr. Baker, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Higginbotham (With Amendment):

S. 567. To propose an amendment to the Constitution of Alabama relating to fees and compensation of officers and the costs and charges of courts in Russell County.

The above Bill was read a second time at length as required by the Constitution.

Mr. Baker, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Waldrop (with notice and proof):

S. 572. Relating to Etowah County; to provide for vesting the general administration and supervision of the public schools and educational interest of certain incorporated municipalities in a city board of education.

By Mr. Baker (with notice and proof):

S. 497. Relating to DeKalb County; requiring the State Highway Director to pay out of the DeKalb County distributive share of the State Gasoline tax any judgment for damages and court costs rendered against Billy Ray Barksdale, individually, pursuant to a motor vehicle collision which occurred on or about March 14, 1975, in DeKalb County while he was performing his duties as a state highway department employee employed in DeKalb County.

Mr. St. John, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Fine:

S. 342. To provide that persons previously convicted for certain violent criminal acts shall not be released on bail or on his own recognizance if he is subsequently charged with the commission of certain violent crimes.

By Mr. Fine:

S. 430. To provide for the establishment of a reserve state trooper force and places said reserve state troopers under the direction of the director of the Department of Public Safety or a member of the Alabama State Troopers and provides said reserve state troopers with the authority to carry firearms and provides insurance coverage and provides for travel expenses to be paid by the Department of Public Safety.

By Mr. Fine:

S. 343. To provide that the use of firearm in the commission or attempted commission of any felony shall be punishable by certain mandatory penalties which shall be in addition to any sentence imposed for the felony committed.

By Mr. Fine:

S. 443. To provide for a law enforcement officers' bill of rights for any state, county and municipal law enforcement agencies in this state; defining certain rights of any officer accused of misconduct; providing for disciplinary hearings and adequate prior notice upon alleged misconduct of any officer; providing a uniform procedure for the composition of the complaint review boards of the various law enforcement agencies; providing that any law enforcement officer may bring civil suit for damages suffered while on official duty; providing that no officer may have disciplinary action taken against him by reason of exercising the rights granted hereby; providing for the receipt and processing of all written complaints; and providing sanctions by the district attorneys or state attorney by writ of injunction for non-compliance with the provisions of this Act; and repealing conflicting laws.

FURTHER CONSIDERATION OF S. B. 451

The Senate proceeded to further consideration of the Bill, S. B. 451.

The question was on the amendment offered by Mr. St. John, which said amendment was then adopted.

Yeas 21; Nays 3.

Yeas:

Messrs. Adams, Bank, Clemon, Fine, Goodwin, Higginbotham, Jones, Little, McDonald (A), McMillan, Miller, Mims, Noonan, Owen, Peden, Powell, Proctor, St. John, Shelby, Stewart, Teague.

—21

Nays: Messrs. Baker, Edwards, Ellis.

—3

Mr. Peden offered the following amendment to the Bill, S. B. 451, as amended, to-wit:

AMENDMENT TO S. B. 451, AS AMENDED

Amend S. B. No. 451 Page 2 Line 19 by inserting after the word "areas" the words "parking decks".

Which was adopted.

Yeas 20; Nays 4.

Yeas:

Messrs. Adams, Bank, Clemon, Fine, Gilmore, Goodwin, Higginbotham, Little, Miller, Mims, Noonan, Owen, Peden, Powell, Proctor, St. John, Shelby, Stewart, Vacca, Waldrop.

—20

Nays: Messrs. Baker, Edwards, Ellis, Jones.

—4

And said Bill, S. B. 451, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 3.

Yeas:

Messrs. Adams, Bank, Clemon, Fine, Gilmore, Goodwin, Higginbotham, Jones, Little, McMillan, Miller, Mims, Mitchell, Owen, Peden, Proctor, St. John, Shelby, Stewart, Teague, Vacca, Waldrop.

—22

Nays: Messrs. Baker, Edwards, Ellis.

—3

BILLS ON THIRD READING RESUMED

The Bill:

S. 199. To amend Sections 41-9-349 and 41-9-357 of the Code of Alabama, 1975, which sections relate to the powers and duties of the USS Alabama battleship commission and the battleship fund, so as to authorize the commission, in its discretion, to hold and conduct meetings and activities of a promotional and social nature in order to operate, maintain and further effect the purposes of the memorial and exhibit and of the commission.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

Yeas:

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Little, McDonald (A), McDonald (S), McMillan, Miller, Mitchell, Noonan, Owen, Peden, Powell, Proctor, Roberts, Shelby, Vacca, Waldrop.

—24

Nays:

—0

RESOLUTIONS

Messrs. McMillan and Wilson offered the following Senate Joint Resolution, to-wit:

S. J. R. 376. COMMENDING THE BIRMINGHAM JUNIOR LEAGUE FOR THEIR PART IN THE SUCCESS OF THE BIRMINGHAM INTERNATIONAL INDOOR TENNIS TOURNAMENT.

WHEREAS, The City of Birmingham was the site of the recent Birmingham International Tennis Tournament, held from January 9 to January 15, 1978, the first major tennis tournament ever held in the Southeast; and

WHEREAS, This tournament, sponsored jointly by the Birmingham Junior League, Birmingham Trust National Bank, and the Alabama Surface Mining and Reclamation Council, attracted 32 tennis stars of international reputation, including Bjorn Borg, the Wimbledon champion; and

WHEREAS, \$175,000 in prize money was won at this tournament, establishing Birmingham as a major tennis capital, winning out over many other cities which bid for the opportunity to host it; and

WHEREAS, 50,000 tickets to the tournament at the Jefferson County Coliseum were sold, not only to Alabamians, but to many out-of-state tennis fans; and

WHEREAS, The proceeds from the tournament, approximately \$40,000, will be divided among several worthy local charities; now, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES THEREOF CONCURRING, That we do commend the Birmingham Junior League and the other sponsors for their diligent efforts in making the Birmingham International Indoor Tennis Tournament a brilliant success; we particularly commend Mrs. Sue Ann Cole, chairman of the tournament, whose leadership was instrumental in bringing into reality an event which brings further honor to Birmingham and to Alabama.

BE IT FURTHER RESOLVED That copies of this Resolution be sent to the Birmingham Junior League, Mrs. Cole, the Birmingham Trust National Bank, and the Alabama Surface Mining and Reclamation Council.

Which was read and referred to the Standing Committee on Rules.

Mr. McMillan offered the following Senate Joint Resolution, to-wit:

S. J. R. 377. AMENDING S. J. R. 135 OF THE REGULAR SESSION

of 1971 (ACT NO. 2417, S. J. R. 135, PAGE 3848, ACTS OF 1971) WHICH ESTABLISHED THE "ARTS HALL OF FAME" IN THE BIRMINGHAM CIVIC CENTER SO AS TO CHANGE THE LOCATION OF SUCH "HALL" TO THE CAMPUS OF THE UNIVERSITY OF ALABAMA IN BIRMINGHAM, AND TO RESTRUCTURE AND ENLARGE THE MEMBERSHIP OF THE EXECUTIVE BOARD OF SUCH "HALL," AND TO ESTABLISH AN ADVISORY COMMITTEE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That S. J. R. 135 of the Regular Session of 1971 (Act No. 2417, S. J. R. 135, page 3848, Acts of 1971) is hereby amended to read as follows, viz:

"WHEREAS, there exists in Alabama a need for an Arts Hall of Fame to recognize the development of art, including but not limited to painting, sculpture, music, dance, theater, literature and architecture, in Alabama and in other states of these United State of America; and

"WHEREAS, there will exist on the campus of the University of Alabama in Birmingham a physical facility suitable for the display to the public of a plaque or other appropriate means of recognition of each honoree and when possible appropriate examples of the work of the artists, authors, performers, architects, and musicians to be honored by the Arts Hall of Fame; now therefore

"BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby established in the State of Alabama the "Arts Hall of Fame," the Executive Board of which shall be made up of ten persons, all of whom shall serve terms of four years after their initial term has expired, one of whom shall be appointed by the Birmingham Festival of Arts to serve an initial term of two years, one of whom shall be appointed by the Board of Trustees of the University of Alabama for an initial term of three years, one of whom shall be appointed by the Alabama Council on Arts and Humanities for an initial term of four years; the Mayor, with the consent of the city council or city commission, of each of the four largest cities in Alabama, shall each appoint one of four members of said Executive Board for initial terms as follows, viz: The Mayor of the largest city shall appoint a member who shall for an initial term of one year, the Mayor of the next largest city shall appoint a member who shall serve for an initial term of two years, the Mayor of the third largest city shall appoint a member who shall serve for an initial term of three years, and the Mayor of the fourth largest city shall appoint a member who shall serve an initial term of four years; and in addition thereto, the seven aforementioned members of said Board shall appoint three additional members to said Board who shall serve initial terms of three years commencing on May 1, 1978.

"BE IT FURTHER RESOLVED, That said members shall serve for terms of four years each and until their successors shall have been selected and qualified. Said Board shall elect from among its members a Chairman, a Vice-Chairman, a Secretary and a Treasurer, each to be elected for a term of one year, with right of succession.

"Said Board shall meet annually to nominate persons from throughout the State and nation who have at one time resided in the State or have made a meaningful contribution to the State of Alabama through their particular art form and who have won fame on account of their achievements in the Arts. The Board shall elect by a two-thirds vote from among such nominees those persons that it considers worthy of inclusion in the Arts Hall of Fame.

"BE IT FURTHER RESOLVED, that there is hereby established an advisory committee to be known as the "Arts Hall of Fame Advisory Committee." The committee shall be composed of persons appointed by the Chairman of the Executive Board of the Arts Hall of Fame who shall serve at his pleasure. The chairman of the Executive Board shall serve as chairman of the Advisory Committee. The committee shall meet at the call of the chairman and not less than once per annum. The members shall serve without compensation. The Advisory Committee shall advise and give their expertise to the Executive Board in implementing the provisions of this Act.

"Further, the Board of Trustees of the University of Alabama is hereby directed to set aside a suitable location in said facility for the display of the honorary plaques and the works of those elected to the Arts Hall of Fame.

"Further, those elected to the Arts Hall of Fame shall each receive an appropriate plaque or certificate for their personal collection.

"Further, those so elected shall not exceed four in number during any one calendar year."

Which was read and referred to the Standing Committee on Rules.

Mr. Noonan offered the following Senate Joint Resolution, to-wit:

S. J. R. 378. REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF THE SUPREME COURT RELATIVE TO H. B. 94.

BE IT RESOLVED BY THE SENATE OF ALABAMA, That pursuant to Section 12-2-10, Code of Alabama 1975, the Senate respectfully request the written opinions of the Honorable Chief Justice and Associate Justices of the Supreme Court of Alabama, or a majority of them, on the following important constitutional question that has arisen concerning a pending bill, H. B. 94, a true and correct copy of which is attached hereto:

Does H. B. 94 introduced at the 1978 Regular Session of the Legislature of Alabama, by pledging for the payment of the principal of and interest due on the revenue bonds authorized therein to be issued, the receipts of a special processing charge imposed on all coal processed through the coal-handling facilities at the Port of Mobile to be constructed with the proceeds of the revenue bonds therein authorized and the coal-handling facilities constructed with the proceeds of the revenue bonds authorized by Act No. 64 enacted at the 1971 Special Session of the Legislature of Alabama, as amended by Act No. 2306 enacted at the 1971 Regular Session of the Legislature of Alabama, authorize the State to create or incur new debt in violation of Section 213, Constitution of Alabama of 1901, as amended by Amendment No. 26?

RESOLVED FURTHER, That the Secretary of the Senate is directed to send nine (9) true copies of the pending bill, H. B. 94, to the Clerk of the Supreme Court of Alabama, and to transmit this request to the Justices of the Supreme Court of Alabama forthwith upon adoption of this resolution.

On motion of Mr. Noonan, the Rules were suspended and the Resolution was adopted by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

S. 487. To regulate the practice of design, construction, or installation

of heating and air conditioning equipment, and roofing and sheet metal; to create a regulatory board for such purpose; to provide for the officers, membership, duties, authority, meetings and terms of the board; to vest rule-making and examining authority and the power to levy fines in the board; to provide for certification fees and their disposition; to require contractors in the regulated trades to be certified and bonded; to exempt certain persons from certain provisions hereof; and to provide penalties for violation of this act.

was taken up.

Mr. Edwards offered the following amendment to the Bill, S. B. 487, to-wit:

AMENDMENT TO S. B. 487

Amend S. B. 487 by striking out wherever they may appear in said bill the following

"roofing and sheet metal material", "Roofing and Sheet metal", "roofing and sheet metal" and "and roofing and sheet metal installation".

On motion of Mr. Fine, said amendment was laid on the table.

Yeas 15; Nays 10.

Yeas:

Messrs. Adams, Bank, Clemon, Ellis, Fine, Gilmore, Higginbotham, Jones, McDonald (S), Mims, Owen, Peden, Proctor, St. John, Teague.

—15

Nays:

Messrs. Baker, Edwards, Little, McDonald (A), McMillan, Mitchell, Noonan, Shelby, Stewart, Waldrop.

—10

Mr. Edwards then offered the following amendment to the Bill, S. B. 487, to-wit:

AMENDMENT TO S. B. 487

Amend S. B. 487 Page 1 Line 35, by inserting "who for hire is" after the word "corporation".

On motion of Mr. Mitchell, said Bill, S. B. 487, and pending amendment was postponed temporarily.

RESOLUTIONS

Messrs. Powell, Jones, Mitchell, Miller, Goodwin, Perry, Wilson, Little, Mims, Higginbotham, and Adams offered the following Senate Joint Resolution, to-wit:

S. J. R. 379. OPPOSING THE PETITION NOW BEFORE THE FEDERAL COMMUNICATIONS COMMISSION TO REMOVE VHF TELEVISION CHANNEL 12 FROM MONTGOMERY TO COLUMBUS, GEORGIA.

WHEREAS, a petition has been filed with Federal Communications Commission (FCC) in Washington, D. C. proposing that wide-range VHF Channel 12 be removed from Montgomery, Alabama, to Columbus, Georgia; and

WHEREAS, Montgomery, Alabama, the City of License of WSFA-TV, Channel 12, is the capital city of Alabama and as such is the physical location of the Alabama Legislature, the Governor's Office, all Constitutional offices, principal agencies and commissions of the State of Alabama; and is the business and cultural center for south and central Alabama; and

WHEREAS, the wide-range VHF Channel 12 in Montgomery, Alabama, has provided the citizens of this area with extensive coverage of general news, weather, sports, legislative activities and other governmental affairs for twenty-four years; and

WHEREAS, in September, 1977, WSFA-Television, Channel 12, installed new transmitting facilities including a 2,000 foot tower, the tallest structure in the State of Alabama in order to provide additional coverage and better serve the people of south and central Alabama; and

WHEREAS, if this petition should be approved, some 500,000 Alabamians would be deprived of a vital television service from their state capital and a sizeable rural area containing some 25,000 citizens would be deprived of its only predicted Grade B television service; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That they go on record as vigorously opposing the petition now before the Federal Communications Commission (FCC) to remove VHF Channel 12 from Montgomery, Alabama to Columbus, Georgia.

BE IT FURTHER RESOLVED, That the Clerk of the House forward a copy of this resolution to WSFA-TV in order that it be included in the record of this proceeding of the Federal Communications Commission.

Which was read and referred to the Standing Committee on Rules.

Messrs. Miller and Little offered the following Senate Joint Resolution, to-wit:

S. J. R. 380. COMMENDING ANDALUSIA HIGH SCHOOL, CLASS 3-A STATE FOOTBALL CHAMPIONS.

WHEREAS, it is with great pleasure that the Legislature of Alabama notes the second consecutive State Football Championship for the Andalusia High School Bulldogs; and

WHEREAS, Head Coach Don Sharpe and his talented assistants Felix Boswell, Gwin Burkett, Tommy Eiland and Richard Robertson led the Bulldogs to a remarkable perfect season record to capture the 3-A championship, amassing an impressive 422 point total while ceding only 76 points to their opponents; two of the regular season games and three in the playoffs were shut-outs; and

WHEREAS, during the five years that Don Sharpe has been Head Coach at Andalusia High, his Bulldogs have had 61 wins, only 3 losses and 2 ties, with 51 regular season games without a loss; they were state quarter finalist

in 1974, state runner-up in 1973 and 1975, and state champions in both 1976 and 1977; and

WHEREAS, in addition to coaching expertise, credit goes to the tremendous efforts of team champions Lex Short, Shannon Brabham, Bert Pierce, Lex McLelland, Bret Weekley, Gary Odom, Kendall Lawrence, Larry Evans, Butch Foshee, Roy Ben Dorsey, Jerry Moore, Trent Taylor, Ronnie Dix, Leon Hattaway, Van Starnes, Jim Seymour, Joe Ball, Bobby Smith, Todd Hattaway, Craig Copeland, Tim Nall, Terry Scarborough, Hale Ellis, Willie Church, Eddie Henderson, Calvin Grace, Ricky Vinson, Ronnie Blair, Monroe Rostick, Larry Norris, Benjy Mikel, Denny Merritt, Wayne Godwin, Mark Soles, Jeff Walden, Lee Perry, James Boswell, Doug Collins, Mark Fowler, Glen Frasher, Ralph Blackwell, Rockford Huggins, Eddie Williamson, Rhett Riley, Wiley Spann, Leslie Little, Bobby Marvin, Dobie Bullard, Bill Anthony, Steve Sikes, C. B. Landrum, Mike Smith, Rhett Enzor, Mark Blackwell and Thomas Ware, and to managers Craig Ward, Kendall Andrews, Chris Stroud and Cornelius Shakespeare; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate and highly commend the Andalusia High School Bulldogs on their 1977 State 3-A Football Championship; we also voice our praise of their outstanding record during the past five years under Head Coach Don Sharpe.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for appropriate school display and a copy sent to Coach Sharpe on behalf of the entire team.

Which was read and referred to the Standing Committee on Rules.

Mr. Little offered the following Senate Joint Resolution, to-wit:

S. J. R. 381. MOURNING THE DEATH OF FORMER ANDALUSIA CITY COUNCILMAN, SWINSON EDWARD ANDERSON.

WHEREAS, the Alabama Legislature has grievously noted the death of Swinson Edward Anderson in Andalusia, Alabama, on December 24, 1977, at the age of 62; and

WHEREAS, Mr. Anderson was a native and lifelong resident of Andalusia and a veteran of World War II who served in action with the Fifth Marine Division in Iwo Jima and the First Marine Division in Okinawa, and was the recipient of the Good Conduct Medal, Victory Medal, Purple Heart and the Bronze Arrow Head; and

WHEREAS, he was employed with the United States Post Office for some 25 years until his disability retirement in 1968; he further served for two terms on the Andalusia City Council, elected to Seat 1 in 1968 and reelected in 1972; and

WHEREAS, Mr. Anderson, who also was a realty developer in Andalusia, was a member of the Andalusia First Baptist Church and of the Baracca Sunday School Class; he was a greatly admired and beloved member of his community and will be deeply and sadly missed by his family and many friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do grievously mourn the death of Mr. Swinson Edward Anderson and extend sincere sympathy to his wife, Mrs. Vera T. Anderson, to their son, Robert S. Anderson, his mother,

Mrs. A. E. Anderson, and other family members to whom copies of this resolution shall be sent.

Which was read and referred to the Standing Committee on Rules.

Messrs. Little and Mitchell offered the following Senate Joint Resolution, to-wit:

S. J. R. 382. MOURNING THE DEATH OF MRS. N. D. FOSTER.

WHEREAS, the Legislature of Alabama has been deeply saddened by the death of Mrs. Robert Ellen Ewing Foster in Greenville, Alabama, on January 25, 1978, at the age of 61; and

WHEREAS, Mrs. Foster, who was a native of Wilson County, Tennessee, and who was educated in the public schools of Watertown, Tennessee, was the widow of Nathaniel Davis Foster; and

WHEREAS, she and her late husband opened the Foster Company in Greenville in April, 1960, and began a highly successful textile operation; at the time of her death, she was serving as president of the company and was also a co-owner of Dozier Manufacturing Company, another textile operation in Crenshaw County; and

WHEREAS, Mrs. Foster was actively involved in many of the civic, educational and religious affairs of her community; she was a member of the First Baptist Church, served on the Board of Trustees of Fort Dale Academy, and held membership in the Greenville Pilot Club and in the DAR; and

WHEREAS, Mrs. Foster was beloved of family and friends; she had gained the respect and admiration of all those privileged to know her and is indeed sorely missed by them all; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do grievously mourn the death of Mrs. Robert Ellen Ewing Foster of Greenville and extend our most heartfelt sympathy to her family.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to her daughters, Helen Foster Moseley, Annette Foster Norris and Nancy Foster Leverette, to her son, Robert N. Foster, and other family members that they may know we share the sorrow of their great loss.

Which was read and referred to the Standing Committee on Rules.

Mr. Vacca offered the following Senate Joint Resolution, to-wit:

S. J. R. 383. EXPRESSING THE OPPOSITION OF THE ALABAMA LEGISLATURE TO THE PROPOSED FUEL ECONOMY STANDARDS FOR 1980-81 LIGHT TRUCKS, VANS AND UTILITY VEHICLES.

WHEREAS, the National Highway Traffic Safety Association (N.H.T.S.A.) has proposed fuel economy standards for model year 1980-81 light truck below 8,500 (Gross Vehicle Weight Rating); and

WHEREAS, testimony given at public hearings on these proposed standards indicates that the standards are not now technologically feasible or economically practical; and

WHEREAS, manufacturers forecast and the Department of Transporta-

tion acknowledges the possibility that the proposed standards may result in the vehicles having: a) less utility; b) lower performance; c) higher purchase costs; and d) restricted availability of some vehicles; and

WHEREAS, commercial users, such as farmers, the construction industry, and many other businesses requiring light duty delivery trucks would be adversely affected if these fuel economy standards were adopted; and

WHEREAS, these proposed standards will apply to all light duty vehicles including public utility trucks, rescue vehicles, delivery vans, many types of farm vehicles, pick-up trucks, four wheel drive vehicles, and most types of vans, which could have a resulting impact on large segments of the population; and

WHEREAS, these proposed standards could work a hardship on the consuming public as well as have a serious economic impact on the national economy including the possibility of an increase in the rate of unemployment; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Legislature hereby goes on record as opposing the N.H.T.S.A.'s proposed fuel economy standards for model years 1980-81 for light trucks, vans and utility vehicles.

BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted to the Honorable Brock Adams, Secretary, U. S. Department of Transportation, and a copy to each member of the Alabama Congressional Delegation in Washington, D. C.

Which was read and referred to the Standing Committee on Rules.

Mr. Waldrop offered the following Senate Joint Resolution, to-wit:

S. J. R. 384. MOURNING THE DEATH OF MR. E. PASCAL TERRELL.

WHEREAS, regretfully, the Alabama legislature has learned of the death of Mr. E. Pascal Terrell of Altoona, Etowah County, Alabama, on January 27, 1978, at the age of 70; and

WHEREAS, Mr. Terrell, who was a native and lifelong resident of Etowah County, was the owner and operator of Mountain Top Antique Warehouse and was vice president of Mountain Top Flea Market; and

WHEREAS, he was a member of Mount Olive Baptist Church and was an active participant in the affairs of his church as well as in the civic and charitable affairs of his community; he was a highly respected and beloved citizen of his area of the state and will be sorely missed by his family and by all those who were privileged to know him as a loyal friend; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we deeply regret and mourn the death of Mr. E. Pascal Terrell; we extend our most heartfelt sympathy to his wife and son, Mrs. Veralyne Gilliland Terrell and Melton Gilliland Terrell of Altoona, and to other family members to whom copies of this resolution shall be sent.

Which was read and referred to the Standing Committee on Rules.

Mr. Miller offered the following Senate Joint Resolution, to-wit:

S. J. R. 385. COMMENDING THE ENTERPRISE HIGH SCHOOL BAND.

WHEREAS, the Legislature of Alabama has learned, with great pride and pleasure, of the selection of the Enterprise High School Band to represent the State of Alabama at the 57th Annual Festival of States, April 4 through 8, 1978, in St. Petersburg, Florida; and

WHEREAS, the Enterprise High School Wildcat Band is composed of 135 talented musicians under the leadership and tutelage of Mr. Tom Maddox, who is now in his third year as Band Director at Enterprise High, during which time the Wildcats have hosted the Enterprise Marching Band Festival which was inaugurated by Mr. Maddox; they further have participated in the Fountain City Marching Band Festival in Columbus, Georgia, achieving all superior ratings and placing third in Class AA, and also have performed in Alabama's Governors Marching Festival in Lanett, again receiving all superior ratings; and

WHEREAS, as Alabama's representative in St. Petersburg, the Enterprise band will participate in the opening parade, in marching competition, in the Concert in the Park, in Mickey's 50th Birthday Parade at Disneyworld and will be judged in the Parade of States to be held on the festival's final day; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate and highly commend the Enterprise High School Band for superior performance and on their selection to represent our State in St. Petersburg, Florida.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Principal Thad Morgan for appropriate school display, and a copy to Director Tom Maddox on behalf of all members of the band.

Which was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING RESUMED

The Bill:

S. 370. Relating to Alabama's forestry program; creating the Forestry Study Committee; establishing the membership and prescribing their powers, duties and authority; setting certain guidelines for the operation of the committee; and making an appropriation from the general fund of the state treasury for the fiscal year ending September 30, 1978.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, S. B. 370, to-wit:

COMMITTEE AMENDMENT TO S. B. 370

Amend S. B. 370 by adding on page 3, line 10, after the word "such" the words "part-time".

Which was adopted.

Yeas 23; Nays 0.

Yeas:

Messrs. Adams, Bank, Clemon, Ellis, Fine, Goodwin, Higginbotham, Jones, Little, McDonald (S), McMillan, Miller, Mims, Mitchell, Owen, Perloff, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca.

—23

Nays:

—0

And said Bill, S. B. 370, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 1.

Yeas:

Messrs. Adams, Baker, Clemon, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, Little, McDonald (A), McDonald (S), Miller, Mims, Mitchell, Owen, Peden, Perloff, Proctor, Roberts, St. John, Shelby, Teague, Vacca.

—24

Nay: Mr. Edwards.

—1

Mr. Higginbotham requested and received unanimous consent that his name be added as co-sponsor of the above Bill, S. B. 370.

REPORT FROM RULES

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 408. RELATIVE TO THE ADJOURNMENT OF THE TWO HOUSES.

On motion of Mr. Clemon, said Resolution was then adopted by the Senate.

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointments and ordered same returned to the Senate with a favorable report, to-wit:

Appointments to the Alabama Mental Health Board.

On motion of Mr. Clemon, the appointment of Dr. R. Ross McBryde was confirmed by the Senate.

Yeas 29; Nays 0.

Yeas:

Messrs. Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop.

—29

Nays:

—0

On motion of Mr. Clemon, the appointment of Mrs. Mary Harmon Bryant was confirmed by the Senate.

Yeas 29; Nays 0.

Yeas:

Messrs. Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop.

—29

Nays:

—0

On motion of Mr. Clemon, the appointment of Mr. Jack M. Nolen was confirmed by the Senate.

Yeas 29; Nays 0.

Yeas:

Messrs. Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop.

—29

Nays:

—0

On motion of Mr. Clemon, the appointment of Dr. Everett L. Strandell was confirmed by the Senate.

Yeas 29; Nays 0.

Yeas:

Messrs. Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop.

—29

Nays:

—0

On motion of Mr. Clemon, the appointment of Dr. Patrick H. Linton was confirmed by the Senate.

Yeas 29; Nays 0.

Yeas:

Messrs. Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop.

—29

Nays:

—0

BILLS ON THIRD READING RESUMED

The Bill:

S. 339. To exempt any water authority organized pursuant to Act No. 107, S. 2 of the 1965 First Special Session (Acts, Special Session 1965, Vol. I. p. 132), as amended, from the payment of any state utility gross proceeds or similar tax.

was taken up.

Mr. Mitchell offered the following substitute for the Bill, S. B. 339, to-wit:

SUBSTITUTE FOR S. B. 339

A BILL
TO BE ENTITLED
AN ACT

To exempt Quint-Mar Water and Fire Protection Authority in Crenshaw, Montgomery and Butler Counties, Alabama, from the provisions of Section 40-21-82 of the Code of Alabama of 1975, which levies a certain tax on the gross receipts and gross sales of certain utilities.

Be It Enacted by the Legislature of Alabama:

Section 1. Quint-Mar Water and Fire Protection Authority in Crenshaw, Montgomery and Butler Counties, Alabama, is hereby exempt from all taxes levied under the provisions of Section 40-21-82 of the Code of Alabama of 1975.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 27; Nays 0.

Yeas:

Messrs. Baker, Bank, Clemon, Edwards, Ellis, Gilmore, Goodwin, Higginbotham, Jones, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Waldrop.

—27

Nays:

—0

And said Bill, S. B. 339, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 28; Nays 0.

Yeas:

Messrs. Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, Little, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Proctor, Roberts, St. John, Shelby, Stewart, Vacca, Waldrop.

—28

Nays:

—0

The Bill:

S. 266. To amend Act No. 754, S. 231, Regular Session 1976 (Acts 1976, p. 1038), relating to certain alternative sentencing of convicted offenders, so as to provide further for the period of time for which an offender may be incarcerated.

was taken up.

Mr. Shelby offered the following substitute for the Bill, S. B. 266, to-wit:

SUBSTITUTE FOR S. B. 266

A BILL TO BE ENTITLED AN ACT

To amend Act No. 754, S. 231, Regular Session 1976 (Acts 1976, p. 1038), relating to certain alternative sentencing of convicted offenders, so as to provide further for the period of time for which an offender may be incarcerated; and to further provide for restitution and reparation.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 754, S. 231, Regular Session 1976 (Acts 1976, p. 1038), is hereby amended to read as follows:

"Section 1. When a defendant is convicted of an offense and receives a sentence of ten years or less, in any court having jurisdiction to try offenses against the State of Alabama, and the judge presiding over the case is satisfied that the ends of justice and the best interest of the public as well as the defendant will be served thereby, he may order that the convicted defendant be confined in a prison, jail-type institution, or treatment institution for a period not exceeding one year for a specified period of time not exceeding (1/3) one third of the sentence and that the execution of the any remainder of the sentence be suspended and the defendant be placed on probation for such period and upon such terms as the court deems best.

"Probation may be granted whether the offense is punishable by both fine or imprisonment or both. If an offense is punishable by both fine and imprisonment, the court may impose a fine and place the defendant on probation as to imprisonment. Probation may be limited to one or more counts or indictments, but, in the absence of express limitation, shall extend to the entire sentence and judgment.

"The court may revoke or modify any condition of probation, or may change the period of probation.

"While on probation and among the conditions thereof, the defendant—

"(a) May be required to pay a fine in one or several sums; and

"(b) May be required to make restitution or reparation for the financial losses the innocent victim of the crime for which he is sentenced or to such surviving victim's dependents, and to any intervenor acting to prevent the commission of said crime or to assist in the apprehension of the offender. Such losses shall include out-of-pocket losses for death or personal injury.

"As used in subsection (b) the following words shall be defined as follows, unless their context clearly require a different construction:

"(i) 'Crime' means an act committed in Alabama which, if committed by a mentally competent, criminally responsible adult, who had no legal exemption or defense, would constitute a crime as defined by the laws of this state. For the purposes of this act, a person shall be deemed to have intended an act notwithstanding that by reason of age, insanity, drunkenness, or otherwise he was legally incapable of forming a criminal intent. Provided, however, that no act involving the operation of a motor vehicle which results in injury shall constitute a crime for the purpose of this act unless such injury was intentionally inflicted through the use of a motor vehicle.

"(ii) 'Dependent' means a person wholly or partially dependent upon the income of the victim at the time of his death or would have been so dependent but for the incapacity due to the injury from which death resulted and shall include any child of such victim born after the death of such victim.

"(iii) 'Dependent' may be a spouse, parent, grandparent, stepfather, stepmother, child, grandchild, brother, sister, half brother, half sister, and a spouse's parents.

"(iv) 'Intervenor' shall mean a person who goes to the aid of another and suffers bodily injury or death as a direct result of acting not recklessly to prevent the commission of the crime, or to lawfully apprehend the person reasonably suspected of having committed such crime, or to lawfully assist in such apprehension, or to aid the victim of such crime.

"(v) 'Out-of-Pocket Loss' means the unreimbursed and unreimbursable expenses or indebtedness incurred for: (a) medical and hospital expenses (including psychiatric care or counselling) (b) loss of past earnings or future earnings, funeral and burial expenses, and other services reasonably necessary as a result of the injury, or death upon which is the basis of the offender's sentence and for which the victim, the surviving dependent or the intervenor either has paid or is liable. Pain and suffering compensation and property damages are specifically excluded from this act.

"(vi) 'Victim' shall mean a person, other than the alleged offender, who suffers bodily injury or death as a direct result of a crime.

"(vii) 'Personal injury' includes actual bodily harm, mental or nervous shock, and pregnancy resulting from sexual assault.

"And additionally

"(c) May be required to provide for the support of any persons, for whose support he is legally responsible.

"The defendant's liability for any fine or other punishment imposed, as to

which probation is granted, shall be fully discharged by the fulfillment of the terms and conditions of probation.”

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 28; Nays 0.

Yeas:

Messrs. Adams, Clemon, Edwards, Ellis, Fine, Goodwin, Higginbotham, Jones, Little, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop.

—28

Nays:

—0

And said Bill, S. B. 266, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 27; Nays 0.

Yeas:

Messrs. Adams, Clemon, Edwards, Ellis, Fine, Goodwin, Higginbotham, Jones, Little, McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop.

—27

Nays:

—0

The Bill:

S. 268. To provide that any defendant represented by counsel in criminal case may enter a written plea of not guilty prior to his arraignment, and that such plea shall constitute a waiver of his right to have an arraignment at which he is present in person or represented in person by an attorney.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Clemon, Edwards, Ellis, Fine, Goodwin, Higginbotham, Jones, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca.

—25

Nays:

—0

POINT OF PERSONAL PRIVILEGE

Mr. Noonan stated that, had he been present in the Senate Chamber when the vote was taken on passage of the Bill, S. B. 370, he would have voted "Aye".

BILLS ON THIRD READING RESUMED

The Bill:

S. 359. To provide for fair dismissal procedures for certain non-professional employees, not otherwise covered by the state merit system, at certain public educational institutions and facilities; to provide for and establish a review board to review dismissals of said employees; to provide for the appointment of review board members and their compensation; to define the duties, authority and jurisdiction of the review board; and to provide for judicial review of the decisions of the review board.

was taken up.

Mr. Peden offered the following amendment to the Bill, S. B. 359, to-wit:

AMENDMENT TO S. B. 359

Amend S. B. 359 Page 3 Line 14 by inserting after the word Governor, "And confirmed by the Senate".

Which was adopted.

Yeas 25; Nays 1.

Yeas:

Messrs. Adams, Baker, Clemon, Ellis, Fine, Goodwin, Higginbotham, Little, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Proctor, Roberts, St. John, Stewart, Teague, Vacca, Waldrop.

—25

Nay: Mr. Edwards.

—1

Mr. Peden then offered the following amendment to the Bill, S. B. 359, as amended, to-wit:

AMENDMENT TO S. B. 359, AS AMENDED

Amend S. B. 359 Page 3 Line 15, by striking out after the word "compensation"

All persons so appointed must be a member in good standing of the state bar association"

and inserting

"There shall be only one person appointed from any one profession"

Mr. Peden then offered the following amendment to his amendment to the Bill, S. B. 359, as amended, to-wit:

PEDEN AMENDMENT TO S. B. 359, AS AMENDED

Amend S. B. 359 Page 3 Lines 15 and 16 by striking out the entire sentence after the word "compensation" and inserting in its stead the following language:

"there shall be only one person appointed from any one profession or occupation."

Which was adopted.

And Mr. Peden's second amendment, as amended by his third amendment, was then adopted by the Senate.

Yeas 27; Nays 0.

Yeas:

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Little, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Vacca, Waldrop.

—27

Nays:

—0

Mr. Higginbotham offered the following amendment to the Bill, S. B. 359, as amended, to-wit:

AMENDMENT TO S. B. 359, AS AMENDED

Amend Senate Bill No. 359 Page 3 Line 8, by striking out and unless unjust after the word act. Also by striking out all of Section 5 after the word conclusive on line 9, page 3.

On motion of Mr. Clemon, said amendment was laid on the table.

Yeas 24; Nays 3.

Yeas:

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Gilmore, Jones, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Vacca, Waldrop.

—24

Nays: Messrs. Goodwin, Higginbotham, McDonald (S).

—3

Mr. Higginbotham then offered the following amendment to the Bill, S. B. 359, as amended, to-wit:

AMENDMENT TO S. B. 359, AS AMENDED

Amend S. B. 359 Page 3 Line 15 by inserting at not more than \$50.00 per day after the word compensation.

Mr. Baker offered the following amendment to Mr. Higginbotham's amendment to the Bill, S. B. 359, as amended, to-wit:

AMENDMENT TO S. B. 359, AS AMENDED

Amend S. B. 359 Page 3 Lines 14 and 15 by striking out the words "who shall also fix their compensation."

Which was adopted.

And Mr. Higginbotham's amendment, as thus amended by Mr. Baker's amendment, to the Bill, S. B. 359, as amended, was then adopted by the Senate.

Yeas 28; Nays 1.

Yeas:

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, Little, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Proctor, Roberts, St. John, Shelby, Stewart, Vacca, Waldrop.

—28

Nay: Mr. Powell.

—1

Mr. Higginbotham then offered the following amendment to the Bill, S. B. 359, as amended, to-wit:

AMENDMENT TO S. B. 359, AS AMENDED

Amend S. B. 359 Page 3 Line 27, by striking out the words "to be fixed by the Governor" and by substituting therefor the following, "of \$50.00".

Which was adopted.

Yeas 26; Nays 1.

Yeas:

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, Little, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Peden, Perloff, Proctor, Roberts, St. John, Shelby, Stewart, Vacca.

—26

Nay: Mr. Powell.

—1

Mr. McDonald (S) offered the following amendment to the Bill, S. B. 359, as amended, to-wit:

AMENDMENT TO S. B. 359, AS AMENDED

Amend S. 359 by deleting Section 2, subsection (a) in its entirety, and substituting in lieu thereof the following:

Section 2. (a) All employees as defined in Section 1 of this Act shall be deemed employed on a probationary status for a period of three years from the date of his or her employment, or in the case of persons already employed at the time of passage of this Act for a period of three years following the effective date of this Act.

Mr. Baker offered the following substitute amendment for the McDonald (S) amendment to the Bill, S. B. 359, as amended, to-wit:

SUBSTITUTE AMENDMENT FOR McDONALD (S) AMENDMENT TO
S. B. 359, AS AMENDED

Amend S. B. 359 Page 1 Line 33, by inserting at the end of the sentence a new sentence as follows,

"The months of June, July and August shall not count in the six months probationary period unless said employee is a 12 month employee."

On motion of Mr. St. John, said substitute amendment was laid on the table.

The question then recurred on the amendment of Mr. McDonald (S), and on motion of Mr. Clemon, said amendment to the Bill, S. B. 359, as amended, was laid on the table.

Yeas 17; Nays 11.

Yeas:

Messrs. Adams, Baker, Clemon, Fine, Jones, King, Mims, Mitchell, Owen, Peden, Powell, Proctor, Roberts, Shelby, Stewart, Vacca, Waldrop.

—17

Nays:

Messrs. Edwards, Ellis, Goodwin, Higginbotham, Little, McDonald (A), McDonald (S), McMillan, Noonan, Perloff, St. John.

—11

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolutions and Senate Bills delivered to the Governor, with the date and hour of delivery, to-wit:

S. J. R. 32

S. J. R. 33

S. J. R. 34

S. J. R. 35

S. J. R. 37

S. J. R. 39

S. J. R. 48

S. J. R. 49

S. J. R. 333

Delivered to the Governor February 2, 1978, at 2:05 P. M.

S. J. R. 356

S. J. R. 288

S. J. R. 289

S. J. R. 290

S. J. R. 291

S. J. R. 292

S. J. R. 293

S. J. R. 294

S. J. R. 295

S. J. R. 296

S. J. R. 297

S. J. R. 298

S. J. R. 299

S. J. R. 300

S. J. R. 301

S. J. R. 302

S. J. R. 303

S. J. R. 143

S. J. R. 323

S. J. R. 326

Delivered to the Governor February 28, 1978, at 1:25 P.M.

S. J. R. 366

S. J. R. 368

S. J. R. 29

Delivered to the Governor February 28, 1978, at 2:20 P.M.

McDOWELL LEE,
Secretary.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

At 4 o'clock P.M., Mr. Goodwin moved that the Senate adjourn until Tuesday, March 7, 1978, at 11 o'clock A.M.

Mr. Owen offered a substitute motion that the Senate adjourn until Tuesday, March 7, 1978, at 9 o'clock A.M., which motion was adopted, and, at 4:05 P.M., in accordance with Joint Resolution heretofore adopted, and pending further consideration of the Bills, S. B.'s 479 and 359, the Senate adjourned until Tuesday, March 7, 1978, at 9 o'clock A.M.

SIXTEENTH LEGISLATIVE DAY

TUESDAY, MARCH 7, 1978

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

PRAYER

The Session was opened with prayer by the Reverend Gilbert E. Barrow, Pastor, Capitol Heights Baptist Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Higginbotham, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Stewart, Teague, Vacca, Waldrop.

—32

JOURNAL

On motion of Mr. Peden, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Fifteenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

U. W. CLEMON,
Chairman.

COMMITTEE REPORT

On motion of Mr. Clemon, the foregoing report was concurred in and the Journal of the Senate for the Fifteenth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. Peden, leave of absence was granted Messrs. Goodwin, Shelby, and Wilson for today.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Bank:

S. 651. To amend the preamble, Sections 2-e, 2-f, 3, 5, 7, and 9 of Act No. 1197, Regular Session 1975, which act relates to the public health and which may be referred to as the State Health Planning and Development Act of 1975, so as to bring that act into conformity with Public Law 93-641, "The National Health Planning and Resources Development act of 1974."

Committee on Health and Welfare.

By Mr. Mims:

S. 652. To provide for a fee to be paid for filing or recording any instrument conveying real estate or any interest therein and for such fee to be forwarded to the State Treasurer; to provide for the disposition of said funds by the State Treasurer; to provide that all funds paid out by the State Treasurer shall be budgeted and allotted; and further providing that any monies in the Land Surveys Fund in excess of \$100,000.00 at the end of any state fiscal year shall be transferred into the General Fund of the State.

Committee on Finance and Taxation.

By Mr. Mims:

S. 653. Relating to fish, game and wildlife; making it unlawful to capture or take foxes in this state by trapping or shooting and providing penalty for violation.

Committee on Conservation.

By Mr. Mims:

S. 654. Relating to fish, game and wildlife; making it unlawful to use or possess leg-hold or killer-type traps in this state and prescribing penalty for violation.

Committee on Conservation.

By Messrs. Gilmore, Vacca, Proctor, Clemon, Pearson, McMillan and Ellis (with notice and proof):

S. 655. To further amend Section 1 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965 (Ala. Acts, 1965, pp. 717-739) establishing a retirement system for employees and officers of Jefferson County, Alabama, as heretofore amended.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 655 as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Messrs. Gilmore, Vacca, Proctor, Clemon, Pearson, McMillan and Ellis (with notice and proof):

S. 656. To further amend Section 12 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965 (Ala. Acts, 1965, pp. 717-739)

establishing a retirement system for employees and officers of Jefferson County, Alabama, as heretofore amended.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 656, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Messrs. Gilmore, Vacca, Proctor, Clemon, Pearson, McMillan and Ellis (with notice and proof):

S. 657. To further amend Section 10 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965 (Ala. Acts, 1965, pp. 717-739) establishing a retirement system for employees and officers of Jefferson County, Alabama, as heretofore amended.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 657, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Teague (with notice and proof):

S. 658. To amend Section 16 of Act No. 1728, H. 2522, Regular Session 1971 (Acts of 1971, vol. IV, P. 2889), which provides for travel and other expenses for the members of the county commission in St. Clair County, so as to further regulate such travel expense allowances.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 658, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Messrs. Teague and Proctor:

S. 659. To appropriate \$1,200,000.00 from the Special Educational Trust Fund to the Alabama Institute for the Deaf and Blind for capital outlay purposes for the fiscal year ending September 30, 1979.

Committee on Finance and Taxation.

By Messrs. Teague and Proctor:

S. 660. To appropriate \$570,000.00 from the Special Educational Trust Fund to the Adult Department of the Alabama Institute for Deaf and Blind for the construction, erection, maintenance and equipping of a sheltered workshop for the deaf and severely handicapped for the fiscal year ending September 30, 1979.

Committee on Finance and Taxation.

By Mr. Owen:

S. 661. Appropriating \$4,976.80 from the state general fund for the

relief of Thomas H. Frazier who incurred said amount of medical expenses as a result of certain injuries suffered by his minor son, Brian Craig Frazier.

Committee on Finance and Taxation.

By Messrs. Little and Higginbotham (with notice and proof):

S. 662. Relating to Chambers County; to provide additional compensation for the members of the county commission.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 662, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Messrs. Little and Higginbotham (with notice and proof):

S. 663. To repeal Act No. 50, H. 91, 1977 First Special Session (Acts of 1977, p. 1472), entitled "An Act Relating to all counties having a population of not less than 35,000 nor more than 38,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide additional compensation for the members of the county commission."

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 663, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Higginbotham:

S. 664. To amend further Section 11-6-2 of the Code of Alabama 1975, as amended, so as to provide further for the qualifications of the county engineer in certain counties of this state.

Committee on State Government.

By Mr. Gilmore:

S. 665. Amending a section of the code relating to third party actions by employees covered by the Alabama workmens compensation laws, so as to provide that primary contractors and subcontractors of an injured employee's shall not be made a defendant in any action for recovery of damages for any injury or death for which compensation is payable under Alabama workmens compensation laws.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Gilmore:

S. 666. To repeal Sections 39-4-1-39-4-18, Code of Alabama 1975 which provides for the payment of the prevailing minimum wages under public works projects.

Committee on Commerce, Transportation,
and Utilities.

REPORTS OF COMMITTEES

Mr. Pearson, Chairman of the Standing Committee on Conservation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Vacca and Adams:

S. 535. To establish a boat operator's license; to provide the procedure and cost of obtaining a boat operator's license, a boat operator's permit, and duplicates; and to prescribe penalties for violations of provisions of this Act.

By Mr. Little:

S. 607. To authorize the State Forester to establish a steering committee to represent rural community fire departments and to define the duties of said committee.

By Mr. Bank:

S. 611. To exempt any qualified resident of the state of Alabama, 65 years of age or older, from the payment of certain entrance, admission, attendance, or similar fees in all parks owned or controlled by the state of Alabama, and to provide for the issuance of an Alabama Golden Age Card, which grants certain discounts to the holder thereof.

By Mr. Mims:

S. 321. Prohibiting the taking, catching, or killing of fox by the use of traps in the State of Alabama for a period of two years; providing for the capturing of fox from areas overpopulated with fox and the relocation of such captured fox to areas low in fox population and to prescribe criminal penalties.

Mr. Noonan, Chairman of the Standing Committee on Seaports and Inland Waterways, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. McCluskey and Armstrong:

H. 241. To regulate certain marine dealership practices in the State of Alabama.

Mr. Baker, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Waldrop (with notice and proof):

S. 623. Relating to the City of Gadsden; providing further for the selection of candidates for membership on the board of commissioners by prescribing the dates, term of office and conduct of holding primary run-off, and general elections to such offices.

By Mr. Waldrop (with notice and proof):

S. 624. Relating to certain incorporated municipalities within Etowah County; providing further for the term of office, dates, and for the holding of

certain elections in all incorporated municipalities within said county except the city of Gadsden.

By Messrs. Crawford, Whatley and Sasser (with notice and proof):

H. 424. To alter, rearrange and extend the City Limits and Corporate Limits of the Municipality of Eufaula, in Barbour County, Alabama.

By Mr. Owen (with notice and proof):

S. 591. To alter or rearrange the boundary lines of the City of Satsuma, Mobile County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory contiguous thereto, in Mobile County, Alabama.

By Mr. Mitchell (with notice and proof):

S. 599. Relating to Crenshaw County; to provide an additional monthly salary allowance for the members of the county commission, effective beginning with the next term of office.

By Mr. Mitchell (with notice and proof):

S. 602. Relating to Crenshaw County; providing for an increase in the pay of the members of the board of equalization.

By Mr. Fine:

S. 642. Proposing an amendment to the Constitution of Alabama relative to the Buttahatchee River Watershed Area.

The above Bill was read a second time at length as required by the Constitution.

By Mr. Fine:

S. 640. To provide for and authorize the incorporation of a public corporation as a political subdivision of the state to be named Buttahatchee River Development Authority, for the development of the Buttahatchee River, its tributaries and watershed, for the purposes of navigation, water conservation and supply, flood control, irrigation, industrial development, public recreation and related purposes; to provide for the composition of the board of directors of the Authority; to specify the powers and duties of the Authority and its board of directors; to authorize the Authority to investigate the resources of the Buttahatchee River watershed, to determine requirements for its full development and control, and to carry out a unified comprehensive program of resource development, together with other powers to effectuate the foregoing objective; to authorize the Authority to acquire land and interests in land by purchase, construction, lease, condemnation or otherwise, and to hold, manage and sell such land and interests therein; to make provisions respecting the establishment and revision of rates, fees and charges for services rendered by the Authority; to provide for the issuance by the Authority for any of its corporate purposes of interest-bearing revenue bonds and notes payable solely out of the revenues of the Authority or out of the revenues of any particular facilities and other property of the Authority, without regard to the specific facilities and other property with respect to which such bonds and notes may have been issued; to provide that such bonds and notes shall constitute negotiable instruments; to provide that such bonds and notes may be secured by a pledge of the revenues from which they are payable, by contracts binding the Authority for the proper application of its

revenues and the proceeds of such bonds and notes and by a non-foreclosable mortgage or deed of trust or statutory mortgage lien on the facilities and other property out of the revenues from which such bonds and notes are payable, and to provide that bonds and notes of the Authority may be issued under a trust indenture; to provide for constructive notice of any such statutory mortgage lien; to authorize and make provisions respecting the assumption by the Authority of obligations respecting facilities and other property acquired by the Authority; to provide for the use of the proceeds of bonds and notes issued by the Authority; to provide for the refunding, by the issuance of bonds and notes of the Authority, of bonds and notes therefore issued or obligations theretofore assumed by it; to provide that bonds and notes issued and contracts entered into by the Authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality or other political subdivision of the state; to authorize Marion and Lamar Counties and the municipalities located therein to contribute money to the Authority, without the necessity of an election and with or without consideration therefor; to exempt from all taxation in this state, the Authority, its property, corporate activities, income, revenues, bonds and notes, the income from its bonds and notes, and conveyances, leases and mortgages and deeds of trust to which the Authority is a party, and to exempt the Authority from payment of certain charges to Judges of Probate; to provide that the Authority shall be exempted from regulations and supervision by the Public Service Commission and the State Department of Finance; to provide for the use of public roads in the state by the Authority; and to provide for certain annual reports by the Authority.

By Mr. McNees (with notice and proof):

H. 300. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Fayette, in Fayette County, Alabama.

By Messrs. Goodwin and Coburn (with notice and proof):

H. 364. Relating to Colbert County; amending Section 20 of Act No. 131, H. 333, 1949 Regular Session (Acts of 1949, p. 157) so as to change the meeting dates of the county commission.

By Mr. Edwards:

S. 578. Proposing an amendment to the Constitution of Alabama which, if approved by the qualified electors of Morgan County, will amend Amendment Number 330 to said Constitution, as proposed by Act No. 493, S. 584, 1973 Regular Session of the Alabama Legislature (Acts of 1973, p. 724) submitted to a vote of the people on December 18, 1973, and proclaimed ratified December 27, 1973, which provides for the consolidation of public offices in Morgan county, so as to require that any legislative act therefor must be submitted to and approved by the majority of the participating qualified electors in Morgan County for its validity and effectiveness.

The above Bill was read a second time at length as required by the Constitution.

By Mr. Edwards (with notice and proof):

S. 580. To further regulate the county supplemental allowances payable to the district attorney for the 8th Judicial Circuit.

By Mr. Edwards (with notice and proof):

S. 581. Relating to Morgan County; to provide for a temporary expense

allowance for certain county officers elected to serve as revenue commissioner.

By Mr. Edwards (with notice and proof):

S. 582. Relating to Morgan County; to create and establish the office of license inspector in said county by providing for the appointment, term, duties, powers and compensation of said inspector.

By Mr. Edwards (with notice and proof):

S. 583. Relating to Morgan County; to provide for the compensation of the license commissioner in said county.

By Mr. McDonald (A) (with notice & proof):

S. 593. To further regulate fire protection in Limestone County; to authorize the governing body of Limestone County, Alabama, to establish fire districts or a fire department for Limestone County; to authorize the adoption of a fire code of Limestone County; to authorize the levying and collecting of a fire tax and to otherwise prescribe punishment for violation of this act and regulations promulgated hereunder.

By Mr. McDonald (A):

S. 600. To propose an amendment to the Constitution of Alabama, 1901, so as to authorize the governing body of Limestone County to establish fire districts or a fire department for said county; to authorize the adoption of a fire code for Limestone County; to authorize the levying and collecting of a fire tax and to otherwise authorize fire protection measures within Limestone County; and to prescribe punishment for any violation of the provisions and regulations promulgated hereunder.

The above Bill was read a second time at length as required by the Constitution.

By Mr. Edwards (with notice and proof):

S. 613. Relating to Morgan County; to provide for the compensation of the revenue commission in said county.

By Mr. Edwards (with notice and proof):

S. 614. Relating to Morgan County; further relating the sheriff's compensation.

By Mr. Edwards (with notice and proof):

S. 615. Relating to Morgan County; providing a salary of \$20,000 for the Chairman of the County Commission and \$14,000 for each commissioner, effective after the present term.

By Mr. Edwards (with notice and proof):

S. 616. Relating to Morgan County; further regulating the compensation payable to the judge of probate.

By Messrs. Carter and Moore (W) (with notice and proof):

H. 113. Relating to Limestone County; to authorize the county commission to expend public funds for the operation, maintenance and expenses of volunteer fire departments in the county.

By Messrs. Carter and Moore (W) (with notice and proof):

H. 115. To authorize the charging of a "convenience fee" in the amount of 25 cents on the sale of any hunting or fishing license sold in Limestone County by any special agent who sells hunting or fishing licenses in the City of Athens under authority granted pursuant to the provisions of article 2 of chapter 11 of title 9 of the Code of Alabama, 1975; prescribing penalties for the violation of the provisions of this act.

By Messrs. Martin, Roberts, Cross and Drake (with notice and proof):

H. 547. Relating to Morgan County; to permit banks now or hereafter situated in Morgan County to establish, maintain or operate branch banks and branch offices within the corporate limits of Trinity, Alabama for the conduct of a general banking and trust business; and to repeal conflicting laws.

By Messrs. Martin, Roberts, Cross and Drake (with notice and proof):

H. 548. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Decatur in Morgan County.

By Mr. Bank (with notice and proof):

S. 579. Relating to the expenses of the members of the Pickens County Board of Education.

By Mr. Noonan (with notice and proof):

S. 605. To apply in Mobile County, Alabama, and to authorize the County Board of Health in such county to solicit, receive, hold, use and dispose of, by sale or otherwise, any gifts, devises, bequests of money, real estate, personality or other things of value; to match or supplement such property or use same for matching purposes in carrying out and funding its activities; to further authorize such Board of Health to utilize its funds to purchase, lease or hold any real or personal property needed in carrying out its functions, to control such property belonging to the Board of Health, and to lease, sell, convey or exchange any real or personal property, or portions thereof, no longer needed or utilized by the Board of Health in carrying out its functions in the field of public health.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Drake:

H. J. R. 431. INVITING JOHN C. WHITE, CHAIRMAN OF THE DEMOCRATIC NATIONAL COMMITTEE, TO ADDRESS THE ALABAMA LEGISLATURE.

WHEREAS, the Legislature of Alabama has noted that Mr. John C. White of Texas will be in Montgomery on March 7, 1978, as the featured speaker at the Montgomery County Democratic Executive Committee's annual fund raising dinner; and

WHEREAS, a native Texan, Mr. White has served as chairman of the

agricultural department at Midwestern University, and was a Texas agriculture commissioner for twenty-six years; he is former U. S. Deputy Secretary of Agriculture and is the newly appointed chairman of the Democratic National Committee; and

WHEREAS, as a moderate Democrat and party loyalist, Mr. White has been active in presidential campaigns since 1960 and has been credited with devising the rural strategy in Texas for President Carter that was to help him overcome strong opposition to win in that state by substantially more than one-hundred thousand votes; and

WHEREAS, as featured speaker for the occasion, Mr. White will address more than 1,000 Democrats expected in Montgomery for the largest gathering of statewide Democrats during this year's political season; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most cordially extend an invitation to Mr. John C. White to address the Senate and House of the Alabama Legislature on March 7, 1978.

BE IT FURTHER RESOLVED, That Mr. White be notified of our invitation and that we hopefully await his acceptance.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Mitchell, the Rules were suspended and the Resolution, H. J. R. 431, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate Messrs. Mitchell, Noonan, and Peden.

BILLS ON THIRD READING

The Bill:

S. 539. Relating to Houston County; to prescribe the composition of the hospital board of said county; to ratify and confirm all previous acts of said board in approving and authorizing the sale of bonds for financing hospitals in said county and to provide for supplemental effect.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Jones, King, Little, McDonald (S), Miller, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Powell, Roberts, St. John, Stewart, Teague, Vačca, Waldrop.

—25

Nays:

—0

The Bill:

H. 413. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Toxey in Choctaw County.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Edwards, Ellis, Fine, Gilmore, Jones, King, Little, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Stewart, Teague, Vacca, Waldrop.

—25

Nays:

—0

The Bill:

H. 387. To provide a county salary supplement for the circuit judges of the thirty-seventh judicial circuit to be paid by the county composing said circuit, to require certain contributions of said judges who participate in the county retirement system, and to repeal conflicting laws.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Gilmore, Higginbotham, Little, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Stewart, Teague, Vacca.

—25

Nays:

—0

The Bill:

H. 353. Relating to Russell County; amending Section 1 of Act No. 925, H. 1333, 1969 Regular Session (Acts of 1969, p. 1663), so as to include in the taxing and collection of law library fees court costs in cases docketed in the district court.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Gilmore, Higginbotham, King, Little, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Powell, Proctor, Roberts, St. John, Teague, Vacca, Waldrop.

—25

Nays:

—0

The Bill:

H. 316. Relating to the City of Florence in Lauderdale County; waiving certain city taxes on certain annexed farm land.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Gilmore, Jones, King, Little, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perry, Powell, Proctor, Roberts, St. John, Stewart, Teague, Vacca, Waldrop.

—25

Nays:

—0

The Bill:

H. 317. To amend Section 2 of Act No. 50, H. 91 of the 1977 First Special Session (Acts of 1977, p. 1472) entitled, "An Act Relating to all counties having a population of not less than 35,000 nor more than 38,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide additional compensation for the members of the county commission," so as to provide that the additional compensation be paid out of any county fund or funds, including the road and bridge fund.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Higginbotham, Little, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perry, Powell, Proctor, Roberts, St. John, Stewart, Teague, Vacca, Waldrop.

—25

Nays:

—0

The Bill:

H. 313. To amend Section 4 of Act No. 182, H. 439, Regular Session 1977, which act provides for the reidentification of registered voters of Chambers County so as to further provide for the compensation of the members of the board of registrars for attendance upon special sessions of the board.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Bank, Clemon, Ellis, Fine, Gilmore, Higginbotham, Little, McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Stewart, Teague, Vacca, Waldrop.

—25

Nays:

—0

The Bill:

H. 312. Relating to Russell County; to further regulate voter registration; to provide for the suspension of the voter's registration and rights when a registered voter fails to vote in at least one election for which he was

eligible, held during the preceding four (4) years; and to provide for the reidentification procedure for such person.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Clemon, Ellis, Fine, Gilmore, Higginbotham, King, Little, McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, St. John, Stewart, Teague, Vacca, Waldrop.

—25

Nays:

—0

The Bill:

H. 104. Relating to Washington County; giving the county governing body certain powers in regard to constructing and maintaining and repairing certain roads and rights-of-way leading to private dwellings.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Gilmore, Jones, King, Little, Miller, Mims, Mitchell, Owen, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Stewart, Teague, Vacca, Waldrop.

—25

Nays:

—0

The Bill:

H. 318. To extend, alter and rearrange the boundary lines and corporate limits of the Town of Lincoln, Talladega County, Alabama.

was taken up.

Mr. Stewart offered the following substitute for the Bill, H. B. 318, to-wit:

SUBSTITUTE FOR H. B. 318

A BILL TO BE ENTITLED AN ACT

To extend, alter and rearrange the boundary lines and corporate limits of the Town of Lincoln, Talladega County, Alabama; and to exempt annexed farm lands from city ad valorem taxes.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines and corporate limits of the Town of Lincoln, Talladega County, Alabama, be and the same are hereby extended, altered, and rearranged so as to include within the corporate limits of said Town all of the following described territory:

The East Half (E 1/2) of the West Half (W 1/2) of the Southeast Quarter

(SE 1/4), the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) except the part of the South Half (S 1/2) that is eastwardly of the public road, all in Section 20; All of Section 21: The West Half (W 1/2) of Section 22: The West Half of the Southwest Quarter of the Southwest Quarter (W 1/2 of SW 1/4 of SW 1/4) of Section 25 north of the southerly right of way of U. S. Highway 78. The South Half of the South Half of the Southeast Quarter (S 1/2 of S 1/2 of SE 1/4) and the South Half of the Southwest Quarter (S 1/2 of SW 1/4) north of the southerly right of way of U. S. Highway 78 and the West Half of the Southwest Quarter of the Southwest Quarter (W 1/2 of SW 1/4 of SW 1/4) and the West Half of the East Half of the Southwest Quarter of the Southwest Quarter (W 1/2 of E 1/2 of SW 1/4 of SW 1/4) of Section 26. The West Half (W 1/2) and the Northeast Quarter (NE 1/4) and the Northwest Quarter of the Southeast Quarter (NW 1/4 of SE 1/4) and the West Half of the Northeast Quarter of the Southeast Quarter (W 1/2 of NE 1/4 of SE 1/4) and the Southwest Quarter of the Southeast Quarter north of the southerly right of way of U. S. Highway 78 (SW 1/4 of SE 1/4) and the East Half of the East Half of the Southwest Quarter of the Southwest Quarter of the Southeast Quarter (E 1/2 of E 1/2 of SW 1/4 of SE 1/4) and the West Half of the West Half of the Southeast Quarter of the Southwest Quarter of the Southeast Quarter (W 1/2 of W 1/2 of SE 1/4 of SW 1/4 of SE 1/4) and the East Half of the East Half of the East Half of the Southwest Quarter of the Southeast Quarter (E 1/2 of E 1/2 of E 1/2 of SW 1/4 of SE 1/4) and the West Half of the West Half of the West Half of the Southeast Quarter of the Southeast Quarter (W 1/2 of W 1/2 of W 1/2 of SE 1/4 of SE 1/4) and the West Half of the Southeast Quarter of the Southeast Quarter south of the northerly right of way of U. S. Highway 78 (W 1/2 of SE 1/4 of SE 1/4) and the East Half of the Southeast Quarter of the Southeast Quarter south of the southerly right of way of U. S. Highway 78 (E 1/2 of SE 1/4 of SE 1/4) in Section 27: All of Section 28: The portion of the Southwest Quarter (SW 1/4) of Section 30 described as follows: Begin at the Southeast corner of said Quarter (a 1-inch iron pipe) and proceed southwestwardly along the south line of said Quarter a distance of 4 feet, more or less, to the eastwardly right of way line of a road having a right of way width of 80 feet; thence proceed northwardly along said right of way line a distance of 1495 feet, more or less, to the southerly line of the Clow tract at a point that is 31.6 feet westwardly of the Southeast corner of said tract; thence proceed westwardly along the south line of the Clow tract a distance of 1448.4 feet, more or less, to the Southwest corner of said tract; thence turn an angle of 90 degrees—15' to the right and proceed northwardly along the West line of said tract and its extension a distance of 632 feet, more or less, to the northerly right of way line of the Southern Railroad (100 feet wide R.O.W.); thence proceed westwardly along said right of way line to the westerly line of said Southwest Quarter; thence proceed southwardly along said westerly line a distance of 1900 feet, more or less to the southwest corner of Section 30, thence proceed northeastwardly along southerly line of said Section to the point of beginning: The part of Section 31 that is northwardly of the southerly right of way line of U. S. Highway 78: The tract of land in the northwest corner of Section 31 described as follows: Begin at the northwest corner of Section 31 and proceed eastwardly along the northerly line of said Section a distance of 270 feet to a point, thence proceed southwardly along a line parallel to the west line of said Section a distance of 161.35 feet to a point; thence proceed westwardly parallel to the north line of said Section a distance of 270 feet; thence proceed northwardly a distance of 161.35 feet to the point of beginning: The tract described as follows: Begin at the northeast corner of the Northwest Quarter (NW 1/4) of Section 31, Township 16, Range 5 East; thence southward along the east line of said quarter 315.9 feet to a point on the original south right of way line of U. S. Highway 78; thence

southwestward along said original right of way line 777.1 feet; thence southward along a line parallel to the east line of said northwest quarter 58.1 feet to a point on the new right of way line (1963) of said U. S. Highway 78; thence southwestward along said new right of way line 612.2 feet to the point of beginning of the tract of land herein described; thence southward at an angle of 90 degrees to the new right of way line 250 feet; thence southwestward and parallel to the said new right of way line 175 feet; thence northward and parallel to the east line of the tract being described 250 feet to the new south right of way line of U. S. Highway 78; thence northeastward along said right of way line 175 feet to the point of beginning; said described tract containing one (1) acre, more or less, and being in Section 31, Township 16, Range 5 East, Talladega County, Alabama: Portions of County Road No. 63 (Embry Cross Roads Eureka) that are in the North three-fourths section of Section 31: The Southwest Quarter of the Southwest Quarter (SW 1/4 of SW 1/4) of Section 31 including the rights of way of U. S. Interstate Highway No. 20 and County Road No. 63: U. S. Highway No. 78 right of way in the East Half (E 1/2) of Section 31: The portion of Section 32 that is northwardly of the southerly right of way line of U. S. Highway No. 78: The portions of the Northeast Quarter of the Southeast Quarter (NE 1/4 of SE 1/4), and of fraction "A" of Section 32 that are Eastwardly of the Westerly right of way line of the old Talladega-Lincoln Highway (1928-1938) and Northerly of U. S. Interstate 20 Highway right of way and all portions of the Southeast Quarter of Section 32 that is Southward of the Northerly right of way of U. S. Interstate 20. All of Section 33: The West Half (W 1/2) and the South Half of the South Half of the Northeast Quarter (S 1/2 of S 1/2 of NE 1/4) and the Northwest Half of the Southwest Quarter of the Southeast Quarter (NW 1/2 of SW 1/4 of SE 1/4) and the North Half of the Southeast Quarter (N 1/2 of SE 1/4) of Section 34: The North Half of the Northeast Quarter of the Northeast Quarter (N 1/2 of NE 1/4 of NE 1/4) and the North Half of the Northwest Quarter (N 1/2 of NW 1/4) that is northward of the Southerly route of U. S. Highway 78 and the East Half of the North Half of the Northwest Quarter of the Northeast Quarter (E 1/2 of N 1/2 of NW 1/4 of NE 1/4) of Section 35: The West Half of the West Half of the West Half of the Northwest Quarter (W 1/2 of W 1/2 of W 1/2 of NW 1/4) of Section 36: All in Township 16 South, Range 5 East.

Portions of County Road No. 63 (Embry Crossroads—Eureka) that are in Section 25 and southwardly of the northerly right of way line of the Southern Railroad: The tract of land described as follows: Beginning at the intersection of the northerly right of way line of U. S. Highway No. 78 and the westwardly right of way line of County Road No. 63 and proceed northwardly along the said westerly right of way line of County Road No. 63 a distance of 208 feet to a point, thence in a westwardly direction parallel to the north line of U. S. Highway No. 78 to the 466-foot contour of the Logan Martin Reservoir project; thence southerly along the meander of said contour to the northerly right of way line of U. S. Highway No. 78; thence in an easterly direction along said right of way line to the point of beginning: The portion of the Southeast Quarter of the Southeast Quarter (SE 1/4 of SE 1/4) of Section 25 that is southwardly of the northerly right of way line of U. S. Highway No. 78: The portion of the Northwest Quarter of the Southeast Quarter (NW 1/4 of SE 1/4) of Section 25 that is southwardly of the southerly right of way line of the Southern Railroad, less and except the tract formerly owned by Oscar Chandler described as follows: Begin at the southeast corner of the Northwest Quarter of the Southeast Quarter (NW 1/4 of SE 1/4) of Section 25 and running west the width of one (1) acre along public road; then north the length of two (2) acres; then east the width of one (1) acre; then south to the

point of beginning on the public road, lying and being in the Northwest Quarter of the Southeast Quarter (NW 1/4 of SE 1/4) of Section 25, Township 16 South, Range 4 east, and contains two (2) acres, more or less:

The Southwest Quarter of the Southeast Quarter (SW 1/4 of SE 1/4) of Section 25: The portion of the Southeast Quarter of the Southwest Quarter (SE 1/4 of SW 1/4) of Section 25 that is southwardly of the northerly right of way line of U. S. Highway No. 78: U. S. Highway No. 78 in the Southwest Quarter of the Southwest Quarter (SW 1/4 of SW 1/4) of Section 25 and the easterly 100 feet in the Southeast Quarter of the Southeast Quarter (SE 1/4 of SE 1/4) of Section 26: The tract of land described as follows: From the southeast corner of Section 26 proceed along an accepted line having a bearing of N. 7 degrees—00' W. a distance of 149 feet, more or less, to the southerly right of way line of U. S. Highway No. 78, thence westwardly along said right of way line distance of 40 feet to a point, thence proceed southwardly on bearing of S. 07 degrees—00' E. a distance of 148.6 feet to the south line of said Section 26, thence proceed eastwardly along said south line a distance of 40.1 feet to the point of beginning: The tract of land described as follows: Beginning at the northeast corner of Section 35 proceed southwardly along the east line of said Section a distance of 60 feet to a point, thence westwardly parallel to the north line of said section a distance of 40.1 feet to a point, thence proceed northwardly parallel to the east line of said Section 35 a distance of 60 feet to a point, thence proceed eastwardly a distance of 40.1 feet to the point of beginning: The right of way of U. S. Interstate Highway No. 20 in Section 35 that is eastwardly of the line between Talladega and St. Clair Counties: The portions of the North Half (N 1/2) of the North Half (N 1/2) of Section 36 that are northwardly of the 466-foot contour of the Logan Martin Reservoir Area; Also the tract described as follows: Begin at a point on the east line of said Section 36, 2004.1 feet south of the northeast corner of said Section 36 and run thence at a deflection angle to the right of 97 degrees 42' a distance of 231.5 feet to an existing iron pin corner for the point of beginning of the tract here described; from said point of beginning turn a deflection angle of 11 degree 36' to the right from the last described course, and run along the north line of the old Binghamtown Road a distance of 275 feet to a point; thence at a deflection angle of 69 degrees 50' to the right a distance of 235 feet, more or less, to a point on the 466 foot elevation above mean sea level, as established by United States Coast and Geodetic Survey as adjusted in January, 1955; thence in an easterly direction along the meanderings of said 466-foot contour line to a point on the west line of the old right of way of Embry's Crossing public road; thence in a southerly direction along said old west right of way line of said Embry's Crossing public road to a point 210 feet north of the north line of the old Binghamtown Road; thence in a westerly direction parallel to the north line of the old Binghamtown Road a distance of 210 feet to a point (which point is 201 feet from the new west right of way line of Embry's Crossing public road as now located); thence in a southerly direction a distance of 210 feet to the point of beginning: Also the tract of land described as follows: From the northeast corner of the South 30 acres of even width of the Northeast Quarter of the Southeast Quarter (NE 1/4 of SE 1/4) of Section 36, proceed northwardly along the East line of said Section 36 a distance of 801 feet to a point, thence turn an angle of 74 degrees—17' to the left and proceed northwestwardly a distance of 34.7 feet to the Southeast corner of the tract being described. From said point of beginning proceed northwestwardly on last course extended a distance of 800.7 feet to a point, thence turn an angle of 90 degrees—00' to the right and proceed northeastwardly a distance of 160.5 feet to a point on the southerly right of way line of the old Binghamtown Road; thence proceed eastwardly along said

right of way line a distance of 795 feet, more or less, to the westwardly right of way line of County Road No. 63; thence proceed southwardly along said right of way line a distance of 179.5 feet to the point of beginning, said tract being in the Southeast Quarter of the Northeast Quarter (SE 1/4 of NE 1/4) of Section 36: The portions of County Road No. 63 that are in Section 36; U. S. Interstate Highway 20 in Section 36: The portions of the Southeast Quarter of the Southwest Quarter (SE 1/4 of SW 1/4) and the Southeast Quarter that are westwardly of County Road No. 63 and southwardly of the southerly right of way line of U. S. Interstate No. 20, less and except areas described as follows: Beginning at the southwest corner of the Southeast Quarter of the Southwest Quarter (SE 1/4 of SW 1/4) of Section 36 proceed eastwardly along the south line of said forty a distance of 630 feet; thence turn an angle of 95 degrees—50' to the left and proceed northwardly a distance of 210 feet to a point; thence turn an angle of 84 degrees—10' to the left and proceed westwardly a distance of 420 feet to a point; thence turn an angle of 84 degrees—10' to the right and proceed northwardly a distance of 472.8 feet to a point that is on the southerly right of way line of U. S. Highway I-20, thence westwardly along said right of way line a distance of 210 feet, more or less, to the westerly line of said forty, thence southwardly along said line to the point of beginning, and the tract described as follows: From the southeast corner of Section 36 proceed westwardly along the south line of said Section a distance of 1657.0 feet to a point, thence turn an angle of 83 degrees—20' to the right and proceed northwardly a distance of 25.9 feet to a point, said point being the point of beginning of the Anderson tract being described: From said point of beginning proceed northwardly on last described course extended a distance of 420 feet to a point; thence turn an angle of 96 degrees—30' to the right and proceed eastwardly a distance of 211.7 feet to a point, thence turn an angle of 83 degree—30' to the right and proceed southwardly a distance of 420 feet to a point, thence turn an angle of 96 degrees—30' to the right and proceed westwardly to the point of beginning: The portion of the Southeast Quarter of the Southeast Quarter (SE 1/4 of SE 1/4) of Section 36 that is southwardly and southeastwardly and eastwardly of U. S. Interstate Highway No. 20 right of way. All in Township 16 South, Range 4 East.

The portion of the Northeast Quarter of the Northeast Quarter (NE 1/4 of NE 1/4) of Section 1 that is eastwardly of the eastwardly right of way line of County Road No. 63: County Road No. 63 in Section 1: The tract of land described as follows: From the Northeast corner of Section 1, proceed westwardly along the north line of said Section 1 a distance of 578.5 feet to a point, thence turn an angle of 70 degrees—00' to the left and proceed southwestwardly a distance of 210.7 feet to a point, thence turn an angle of 05 degrees—16' to the right and proceed a distance of 421.7 feet to a point, said point being the point of beginning of the tract being described. From said point of beginning proceed northeastwardly along the last described course in reverse a distance of 421.7 feet to a point (said line being the westwardly right of way line of County Road No. 63), thence turn an angle of 89 degrees—51' to the left and proceed a distance of 20 feet to a 6" x 6" concrete monument identified "ASHD 29-00," thence turn an angle of 90 degrees—00' to the right and proceed northeastwardly a distance of 64.16 feet to a 6" x 6" concrete monument identified ASHD 28 + 35.84, thence turn an angle of 57 degrees 39' to the left and proceed northwestwardly a distance of 107.2 feet to a 6" x 6" concrete monument identified "ASHD43-10.1" on the southerly right of way line of the relocated Binghamtown Road (R.O.W. width of 60 feet), thence proceed westwardly along said right of way line a distance of 1633 feet, more or less, to the westwardly line of a tract of land formerly owned by Pervey Pettis, thence proceed southwardly along said line a distance of 539 feet to a

point (a 1-1/2 inch iron rod); thence turn an angle of 86 degrees—39' to the left and proceed eastwardly a distance of 1468 feet, more or less, to the point of beginning, said tract having an area of 20 acres, more or less, and being in the North Half of the North Half of the Northeast Quarter (N 1/2 of N 1/2 of NE 1/4) of Section 1: County Road No. 63 from the north line of Section 12 to the concrete bridge of Choccolocco Creek: The portion of the Northeast Quarter of Section 12 that is westwardly of County Road No. 63 and northwardly of the 466-foot contour of the Logan Martin Reservoir project: All of the Northwest Quarter of Section 12 that is northwardly of the 466-foot contour of the Logan Martin Reservoir project except the areas described as follows: From the northwest corner of Section 12 proceed along the west line of said Section 12 (bearing of S. 02 degrees—34' W.) a distance of 1495.44 feet to a point for the point of beginning. From said point of beginning proceed on same bearing a distance of 289.23 feet to a point, thence proceed on a bearing of S. 86 degrees—43' E. a distance of 615.62 feet to a point; thence proceed on bearing of N. 02 degrees—34' E. a distance of 377.77 feet to a point; thence proceed on a bearing of S. 84 degrees—52" W. a distance of 620.78 feet to the point of beginning. Also the area south of the above tract that extends to the 466-foot contour of the Logan Martin Reservoir project. All in Township 17 South, Range 4 East.

The North Half (N 1/2) and North Half of the Southwest Quarter (N 1/2 of SW 1/4) and Alabama Highway 77 right of way in Section 4: The North Half of the Northeast Quarter (N 1/2 of NE 1/4) and the North Half of the South Half of the Northeast Quarter (N 1/2 of S 1/2 of NE 1/4) and the East Half of the East Half of the South Half of the Southeast Quarter of the Northeast Quarter (E 1/2 of E 1/2 of S 1/2 of SE 1/4 of NE 1/4) and the East Half of the East half of the Northeast Quarter of the Southeast Quarter (E 1/2 of E 1/2 of NE 1/4 of SE 1/4) East of Section 5. All in Township 17 South, Range 5 East.

Section 2. That all farm lands annexed by this Act shall be exempt from ad valorem taxation by the Town of Lincoln during the time such land is used for farming purposes.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Jones, King, Little, McMillan, Miller, Mims, Noonan, Owen, Pearson, Peden, Perloff, Perry, Proctor, St. John, Stewart, Teague, Waldrop.

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Nays:

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And said Bill, H. B. 318, as thus amended by the substitute, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Jones, King, Little, McMillan, Miller, Mims, Noonan, Owen, Pearson, Peden, Perloff, Perry, Proctor, St. John Stewart, Teague, Waldrop.

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Nays:

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The Bill:

S. 336. To repeal Act No. 70, S. 60 of the 1977 First Special Session of the Legislature (Acts of 1977, p. 1499) entitled, "An Act Relating to all counties having a population of not less than 35,000 nor more than 38,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide additional compensation for members of the county commission."

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Higginbotham, Little, McDonald (S), Miller, Mims, Mitchell, Noonan, Owen, Perry, Powell, Proctor, Roberts, St. John, Stewart, Teague, Vacca, Waldrop.

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Nays:

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The Bill:

S. 338. To amend Section 2 of Act No. 50, H. 91 of the 1977 First Special Session (Acts of 1977, p. 1472) entitled, "An Act Relating to all counties having a population of not less than 35,000 nor more than 38,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide additional compensation for the members of the county commission," so as to provide that the additional compensation be paid out of any county fund or funds, including the road and bridge fund.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Gilmore, Higginbotham, Little, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Stewart, Teague, Vacca, Waldrop.

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Nays:

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The Bill:

S. 567. To propose an amendment to the Constitution of Alabama

relating to fees and compensation of officers and the costs and charges of courts in Russell County.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, S. B. 567, to-wit:

COMMITTEE AMENDMENT TO S. B. 567

On page 1, line 30, after the word "of" add the words "the probate".

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Gilmore, Higginbotham, King, Little, Miller, Mims, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Stewart, Teague, Vacca, Waldrop.

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Nays:

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And said Bill, S. B. 567, as thus amended, was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Gilmore, Higginbotham, King, Little, Miller, Mims, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Stewart, Teague, Vacca, Waldrop.

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Nays:

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The Bill:

S. 572. Relating to Etowah County; to provide for vesting the general administration and supervision of the public schools and educational interest of certain incorporated municipalities in a city board of education.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Ellis, Fine, Gilmore, Jones, King, Little, McDonald (S), Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Stewart, Teague, Waldrop.

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Nays:

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The Bill:

S. 497. Relating to DeKalb County; requiring the State Highway Director to pay out of the DeKalb County distributive share of the State Gasoline tax any judgment for damages and court costs rendered against Billy Ray Barksdale, individually, pursuant to a motor vehicle collision which occurred on or about March 14, 1975, in DeKalb County while he was performing his duties as a state highway department employee employed in DeKalb County.

was taken up.

Mr. Baker offered the following amendment to the Bill, S. B. 497, to-wit:

AMENDMENT TO S. B. 497

Amend S. B. 497 Page 2 Line 9 by inserting after the Case Number 99-L-76. the following:

"Provided, however, that said payment of judgment and court costs shall not exceed \$5,900.00."

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Clemon, Edwards, Ellis, Fine, Gilmore, Jones, King, Little, McDonald (S), Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Powell, Proctor, Roberts, St. John, Stewart, Teague, Vacca, Waldrop.

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Nays:

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And said Bill, S. B. 497, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Clemon, Edwards, Ellis, Fine, Gilmore, Jones, King, Little, McDonald (S), Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Powell, Proctor, Roberts, St. John, Stewart, Teague, Vacca, Waldrop.

—25

Nays:

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NOTICE IN WRITING

Mr. McMillan offered the following Notice In Writing, to-wit:

NOTICE IN WRITING OF MOTION TO AMEND THE RULES

Mr. President:

Notice is hereby given in accordance with the Senate Rules that on the next legislative day a motion will be made to amend Senate Rules 7, 8, 11 and 12 as follows:

RULE 7. After reading the journal, the regular order of transacting business for the Senate shall be:

- 1st, Signing of bills;
- 2nd, Call of districts;
- 3rd, House messages;
- 4th, Reports from standing committees;
- 5th, Reports from select committees;
- 6th, Motions and resolutions;
- 7th, Bills on third reading;
- 8th, Special orders of the day at twelve o'clock noon;
- 9th, Other business.

Provided, however, that on the first legislative day of the week the calendar shall be called under Rule 7A, and during that time no motion shall be entertained to proceed to the consideration of any bill, resolution, report of a committee, or other subject upon the calendar except the motion to continue the consideration of a bill, resolution, report of a committee, or other subject against objection as provided in Rule 7A. If adjournment occurs prior to invoking Rule 7A, then the next legislative day shall be treated as if it were the first legislative day of the week and Rule 7A shall be applicable.

RULE 7A. At the conclusion of the reports from the select committees, unless upon motion with unanimous consent, the Senate shall at any time otherwise order, the Senate shall proceed to the consideration of motions, resolutions and bills on third reading and continue such consideration until 2:00 p.m. o'clock or the lapse of three hours, whichever gives the longer period; and motions, bills and resolutions that are not objected to shall be taken up in their order, and each Senator shall be entitled to speak once and for three minutes only upon any question; provided, however, the entire period of debate shall not exceed twenty-four minutes on any pending motion, and the objection may be interposed at any stage of the proceedings, but upon motion the Senate may continue such consideration; and this order shall commence immediately after the reports from the select committees and shall take precedence of the unfinished business and other special orders. At the conclusion of the reports from select committees, on any calendar day and until after the duration of three hours, except as determined to the contrary by unanimous consent or on motion without debate, all debate shall be germane and confined to the specific question then pending before the Senate.

RULE 8. The regular order of business shall not be set aside except by a majority vote of the Senate, upon a resolution previously considered and reported by the committee on rules. The reading of the journal, however, may be dispensed with on motion, which motion shall be decided without debate. This rule shall not apply when Rule 7A is invoked.

RULE 11. The unfinished business in which the Senate was engaged at the last preceding adjournment shall have preference in the special orders of the day. This rule shall not apply when Rule 7A is invoked.

RULE 12. Special orders shall not be called on any legislative day

before twelve o'clock noon, unless specially set for some other hour by motion or resolution. This rule shall not apply when Rule 7A is invoked.

Which was read and ordered spread upon the Journal.

RESOLUTION

Messrs. Vacca, Ellis, and Gilmore offered the following Senate Joint Resolution, to-wit:

S. J. R. 386. VOICING OUR APPRECIATION FOR THE HONOR BESTOWED BY STUDENTS OF THE W. J. CHRISTIAN SCHOOL UPON THE ALABAMA LEGISLATURE.

WHEREAS, Act 106, referred to as the "Alabama Exceptional Child Education Act," was approved July 22, 1971, by the Alabama Legislature, the purpose, in part, of said act to provide for not less than twelve years of appropriate instruction and related special services for the exceptional children of Alabama at public expense; and

WHEREAS, The students of the seventh grade class for the intellectually gifted at W. J. Christian School in Birmingham, Alabama, have not only expressed their support of the "Alabama Exceptional Child Education Act", but have also voiced their appreciation to the Alabama Legislature for its efforts on behalf of the educational needs of all our children in the State of Alabama; and

WHEREAS, said class has further called for the designation of the week of May 8 through 12, 1978, as "Alabama Legislature Appreciation Week," thereby greatly honoring both the House and the Senate of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we, in turn, voice our appreciation to the students of the seventh grade class for the intellectually gifted at W. J. Christian School for their support of the actions of this body.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to those students at W. J. Christian School who have so honored the Alabama Legislature as a token of our grateful sentiments.

On motion of Mr. Vacca, the Rules were suspended and the Resolution was adopted by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

H. 61. To amend Sections 22-21-130, 22-21-131, 22-21-133, 22-21-135, 22-21-141, 22-21-142, 22-21-144, 22-21-145, 22-21-149 and 22-21-152 of the Code of Alabama of 1975, so as to make it clear that hospital authorities heretofore organized under the provisions of Act No. 109 enacted at the 1961 Regular Session of the Legislature of Alabama, as well as hospital authorities organized under the provisions of Article 5 of Chapter 21 of the Code of Alabama of 1975, shall be governed exclusively by said Article 5, and that all such hospital authorities may issue bonds payable out of revenues derived from the operation as well as from the leasing of any one or more of its projects; to provide for the amendment of the certificate of incorporation of any such hospital authority and to specify certain matters that may be

included in any such certificate of incorporation and in any amendment thereto; to authorize and provide for an increase in the number of members of the board of directors of any such authority and to specify the procedure for the election of any such new directors; to provide that certain members of the board of directors need not be residents of the municipality that authorized the incorporation of such authority; to provide that no member of the board of directors of any such authority shall be an officer of the county wherein the certificate of incorporation of such authority is filed; to exempt bonds and other obligations issued by any such authority from any usury or other laws regulating or limiting interest rates; to make more specific the provisions of said article dealing with refunding bonds and to specify the maximum principal amount of bonds for refunding purposes that may be issued by any such authority; to make permissive rather than mandatory the provisions of such article relating to pledging lease agreements as security for any bonds of any such authority; to provide that the trustee under any bond indenture of any such authority may be selected by the board without regard to the provisions of Chapter 25 of Title 36 of the Code of Alabama of 1975 or other similar law; to provide that proceeds from bonds issued by any such authority may be used for the cost of feasibility studies and for funding a debt service reserve and that any such authority may capitalize, from bond proceeds, interest on the bonds during the period required for construction and equipment of the project or improvements involved and for not more than two years after completion of such construction and equipment; and to provide that any such authority may invest unneeded funds in securities that are direct obligations of federal agencies, in interest-bearing bank time deposits and interest-bearing bank certificates of deposit and in interest-bearing time deposits and interest-bearing certificates of deposit of any federally-chartered savings and loan association.

was taken up.

Mr. McDonald (A) offered the following amendment to the Bill, H. B. 61, to-wit:

AMENDMENT TO H. B. 61

On page 1, in the synopsis and in the title, on lines 4 and 18, respectively, after the number "21" add

of Title 22

On page 3, on lines 19 and 26, respectively, after the number "21" add
of Title 22

In the title, on line 26, strike the word incorporation and insert in lieu thereof the word incorporation

On page 8, line 11, delete after the word "members" the word added is and insert in lieu thereof the words added is

Which was adopted.

Yeas 26; Nays 0.

Yeas:

Messrs. Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Higginbotham, King, Little, McDonald (A), McDonald (S), McMillan, Miller,

Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, St. John, Teague, Vacca, Waldrop.

—26

Nays:

—0

And said Bill, H. B. 61, as thus amended, was read a third time at length and passed.

Yeas 25; Nay 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Higginbotham, King, Little, McDonald (A), McDonald (S), Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Powell, Proctor, Roberts, St. John, Stewart, Vacca.

—25

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Mrs. Ward:

H. J. R. 439. NOTING THE OCCASION OF MR. E. E. LABARRE'S 100TH BIRTHDAY.

Also:

By Mrs. Ward and Mr. Venable:

H. J. R. 440. MOURNING THE DEATH OF COACH SAM MASON OF OPELIKA, ALABAMA.

Also:

By Mrs. Ward and Mr. Smith (C):

H. J. R. 442. COMMENDING DR. JAMES E. WALKER, LEE COUNTY PHYSICIAN.

Also:

By Mrs. Ward:

H. J. R. 441. COMMENDING POLICE CHIEF WILLIAM J. TRUSSELL, JR., OPELIKA EXCHANGE CLUB'S OFFICER OF THE YEAR.

Also:

By Messrs. Harris, Barron, Wyatt, Plaster, Holmes (A), Langford, Merrill, Hill and Venable:

H. J. R. 446. MOURNING THE DEATH OF JUDGE JOHN B. SCOTT.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolutions, H. J. R.'s 439, 440, 442, 441, and 446, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. McCorquodale, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly Kelley, Kennedy, Killian, Kinsey, Langford, Lee, Leonard, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Thomas, Towns, Trammell, Tucker, Turnham, Venable, Waggoner, Ward, Warren, Weeks, Whatley, White, Williams, Wyatt, Younce.

H. J. R. 438. MOURNING THE TRAGIC AND UNTIMELY DEATH OF DALE McVAY PORTER.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 438, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Holley and Folmar:

H. J. R. 436. COMMENDING THE ENTERPRISE HIGH SCHOOL BAND.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 436, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Mitchem, Hilliard, Jolly, Biddle III, and McNair:

H. J. R. 434. REQUESTING THE HIGHWAY DEPARTMENT TO ERECT AND INSTALL, AS ALLOWABLE WITHIN FEDERAL REGULATIONS AND GUIDELINES, SIGNS AND MARKERS ON INTERSTATE AND OTHER HIGHWAYS LEADING INTO BIRMINGHAM, ALABAMA, DIRECTING MOTORISTS TO THE FARMERS' MARKET.

WHEREAS, the Farmers' Market in Birmingham, Alabama, is of great benefit both to the farmers and to the other citizens of our state, in that it provides for a market for farm products and enables the public to purchase farm-fresh produce and other commodities; and

WHEREAS, highway signs and markers directing motorists to the Birmingham Farmers' Market would serve to greatly alleviate existing confusion to those unfamiliar with the City of Birmingham and the market's exact location; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we request representatives of the State Highway Department to contact officials of the Farmers' Market in Birmingham with regard to installing necessary signs and markers along the Interstate and other major highways leading into the city, as allowable within federal regulations and guidelines, directing motorists to said market.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 434, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Trammell, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Langford, Lee, Leonard, Lockett, Lutz, McCluskey, McCorquodale, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker,

Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Thomas, Towns, Tucker, Turnham, Venable, Waggoner, Ward, Warren, Weeks, Whatley, White, Williams, Wyatt, Younce.

H. J. R. 427. MOURNING THE TRAGIC AND UNTIMELY DEATH OF WILLIAM JAMES TURMAN, JR.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 427, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Mr. Holmes (A):

H. J. R. 423. MOURNING THE DEATH OF GENERAL DANIEL JAMES, JR., FORMER COMMANDER IN CHIEF OF THE NORTH AMERICAN AIR DEFENSE COMMAND.

Also:

By Messrs. Smith (C) and Carothers:

H. J. R. 428. CONGRATULATING FFA AT FIFTY.

Also:

By Messrs. Dial, Holmes (D), Shoemaker, McCluskey, Morris, Lockett and Kelley:

H. J. R. 429. COMMENDING MISS JULIE HOUSTON, MISS ALABAMA 1977.

Also:

By Messrs. Dial, Shoemaker, McCluskey, Holmes (D), Lockett and Kelley:

H. J. R. 430. CONGRATULATING BOBBY ALLISON, WINNER OF THE DAYTONA 500.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolutions, H. J. R.'s 423, 428, 429, and 430, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 159. Relating to Cullman County; to provide that the county governing body of said county shall pay over the proceeds from coal severance taxes collected pursuant to the provisions of Act 598, H. 643, 1977 Regular Session of the Legislature, to the state highway department for the paving and resurfacing of county roads in Cullman County.

Also:

H. 242. To alter, rearrange and extend the boundary lines and corporate limits of Dadeville, Alabama.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 175. PROVIDING FOR THE CONTINUED EXISTENCE OF HARRY M. AYERS STATE TECHNICAL COLLEGE.

Also:

H. J. R. 176. PROVIDING FOR THE CONTINUED EXISTENCE OF THE HELEN KELLER PROPERTY BOARD.

Also:

H. J. R. 177. PROVIDING FOR THE CONTINUED EXISTENCE OF THE HISTORICAL COMMISSION.

Also:

H. J. R. 178. PROVIDING FOR THE CONTINUED EXISTENCE OF J. F. INGRAM STATE TECHNICAL INSTITUTE.

Also:

H. J. R. 179. PROVIDING FOR THE CONTINUED EXISTENCE OF THE JACKSONVILLE STATE UNIVERSITY.

Also:

H. J. R. 180. PROVIDING FOR THE CONTINUED EXISTENCE OF THE JAMES H. FAULKNER STATE JUNIOR COLLEGE.

Also:

H. J. R. 181. PROVIDING FOR THE CONTINUED EXISTENCE OF THE JEFFERSON DAVIS STATE JUNIOR COLLEGE.

Also:

H. J. R. 182. PROVIDING FOR THE CONTINUED EXISTENCE OF THE JEFFERSON STATE JUNIOR COLLEGE.

Also:

H. J. R. 183. PROVIDING FOR THE CONTINUED EXISTENCE OF THE JOHN C. CALHOUN STATE COMMUNITY COLLEGE.

Also:

H. J. R. 184. PROVIDING FOR THE CONTINUED EXISTENCE OF JOHN M. PATTERSON STATE TECHNICAL COLLEGE.

Also:

H. J. R. 185. PROVIDING FOR THE CONTINUED EXISTENCE OF THE JUNIOR COLLEGE BRANCH OF DEPARTMENT OF EDUCATION.

Also:

H. J. R. 187. PROVIDING FOR THE CONTINUED EXISTENCE OF THE LaGRANGE HISTORICAL COMMISSION.

Also:

H. J. R. 188. PROVIDING FOR THE CONTINUED EXISTENCE OF THE LAWSON STATE COMMUNITY COLLEGE.

Also:

H. J. R. 189. PROVIDING FOR THE CONTINUED EXISTENCE OF THE LEGISLATIVE COUNCIL.

Also:

H. J. R. 190. PROVIDING FOR THE CONTINUED EXISTENCE OF THE LEGISLATIVE FISCAL OFFICE.

Also:

H. J. R. 191. PROVIDING FOR THE CONTINUED EXISTENCE OF THE LEGISLATIVE REFERENCE SERVICE.

Also:

H. J. R. 192. PROVIDING FOR THE CONTINUED EXISTENCE OF THE LIVE IN A LANDMARK COUNCIL.

Also:

H. J. R. 193. PROVIDING FOR THE CONTINUED EXISTENCE OF THE LIVINGSTON STATE UNIVERSITY.

Also:

H. J. R. 195. PROVIDING FOR THE CONTINUED EXISTENCE OF THE LURLEEN B. WALLACE STATE JUNIOR COLLEGE.

Also:

H. J. R. 196. PROVIDING FOR THE CONTINUED EXISTENCE OF THE LYMAN WARD MILITARY ACADEMY.

Also:

H. J. R. 197. PROVIDING FOR THE CONTINUED EXISTENCE OF THE MARION INSTITUTE.

Also:

H. J. R. 198. PROVIDING FOR THE CONTINUED EXISTENCE OF THE MEAT AND POULTRY INSPECTION ADVISORY COUNCIL.

Also:

H. J. R. 199. PROVIDING FOR THE CONTINUED EXISTENCE OF THE MEDICAL SCHOLARSHIP AWARDS.

Also:

H. J. R. 200. PROVIDING FOR THE CONTINUED EXISTENCE OF THE MONTGOMERY INSTITUTE FOR NEUROLOGICAL DEVELOPMENT.

Also:

H. J. R. 201. PROVIDING FOR THE CONTINUED EXISTENCE OF THE MOTION PICTURE AND TELEVISION ADVISORY COMMISSION.

Also:

H. J. R. 202. PROVIDING FOR THE CONTINUED EXISTENCE OF THE MOUNTAIN LAKES ASSOCIATION.

Also:

H. J. R. 203. PROVIDING FOR THE CONTINUED EXISTENCE OF MUSCLE SHOALS TECHNICAL INSTITUTE.

Also:

H. J. R. 204. PROVIDING FOR THE CONTINUED EXISTENCE OF THE NATIONAL VETERANS DAY.

Also:

H. J. R. 205. PROVIDING FOR THE CONTINUED EXISTENCE OF THE NORTHEAST ALABAMA STATE JUNIOR COLLEGE.

Also:

H. J. R. 206. PROVIDING FOR THE CONTINUED EXISTENCE OF THE NORTHWEST ALABAMA STATE JUNIOR COLLEGE.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

RESOLUTION

Mr. Edwards offered the following Senate Resolution, to-wit:

S. R. 387. HONORING KELLYE KAUFFMAN, ALABAMA'S 1978 EASTER SEAL POSTER CHILD.

WHEREAS, the Senate of the Alabama Legislature is honored today to have as our guest Alabama's 1978 Easter Seal Poster Child, Kellye Kauffman of Decatur, Alabama; and

WHEREAS, Kellye, who is the 7-year old daughter of Mr. and Mrs. Delmar Kauffman, is an aspiring second grade student at Learning Land in Decatur; despite her severe physical impairment, she is a delightful, happy and loving child who serves as a shining example to her many friends, school mates and all those privileged to know her; and

WHEREAS, though her parents were told she would never walk, today Kellye does indeed with the aid of crutches and short leg braces; she has endured the pain and trauma of seven operations, facing each with undaunted courage and with a steadfast determination far beyond her years; and

WHEREAS, the members of the Alabama Senate find themselves in unanimous agreement with Kellye Kauffman's admiration for the three great loves of her life—her parents, "Bionic Woman" Jamie Somers and The Mouseketeers; now therefore,

BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA, That we honor, today, a lovely, charming and courageous young lady, Kellye Kauffman of Decatur, Alabama.

BE IT FURTHER RESOLVED, That we enthusiastically congratulate Kellye on her selection as Alabama's 1978 Easter Seal Poster Child and direct that both she and her parents, Peggy and Delmar Kauffman, be presented with copies of this resolution as but a token of our admiration and esteem.

On motion of Mr. Edwards, the Rules were suspended and the Resolution was adopted by the Senate.

REPORT FROM RULES

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 82. MOURNING THE UNTIMELY DEATH OF JOHN KENNETH BRACKETT.

On motion of Mr. Clemon, said Resolution was then concurred in and adopted by the Senate.

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 388. The following bills shall be the paramount and continuing order of business for the 16th legislative day only, upon reaching bills on third reading, taking precedence thereafter over all other business for said day:

BILL NO.	DESCRIPTION	PAGE
S. B. 181	Credit Unions	
S. B. 356	Food Stamp Program	
S. B. 487	Air Conditioning Board	
S. B. 393	Parking decks	
S. B. 71	Tom Brazeal Building	
S. B. 179	Military retirement	
S. B. 509	Probate Judges	
S. B. 376	Sheriffs	
S. B. 367	Sheriffs	
S. B. 102	Diabetes Association	
S. B. 458	Peace Officers annuity	
S. B. 490	Folsom School	
S. B. 407	UAB	
S. B. 237	State Docks	
S. B. 262	Mail delivery	
S. B. 522	Small Business Assistance	
S. B. 316	Health education	
S. B. 12	Prison lands	
S. B. 54	Motor vehicles	
S. B. 60	Reports by state agencies	
S. B. 83	Civil Defense	
S. B. 183	Agriculture exemptions	
S. B. 207	American Legion	
S. B. 493	Legislative sessions	
S. B. 234	Sports Hall of Fame	
S. B. 284	Corporate take-overs	

S. B. 496	Indian affairs
S. B. 378	Voter registration
S. B. 144	Names National Guard Armory
S. B. 107	Presidential preference primary
S. B. 171	Drivers license
S. B. 48	Library Services
S. B. 221	Commercial feed law
S. B. 98	Highway signs
S. B. 288	Names building—Causey

On motion of Mr. Clemon, the Rules were suspended and the Resolution was adopted by the Senate.

UNFINISHED BUSINESS

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the Unfinished Business for today, the first item of which was the Bill:

S. 359. To provide for fair dismissal procedures for certain non-professional employees, not otherwise covered by the state merit system, at certain public educational institutions and facilities; to provide for and establish a review board to review dismissals of said employees; to provide for the appointment of review board members and their compensation; to define the duties, authority and jurisdiction of the review board; and to provide for judicial review of the decisions of the review board.

as amended on the Fifteenth Legislative Day.

Mr. Baker offered the following amendment to the Bill, S. B. 359, as amended, to-wit:

AMENDMENT TO S. B. 359, AS AMENDED

Amend S. B. 359 Page 1 Line 33, by inserting after the word "authority." the following,

"The six months probationary period shall not include time when school is not in session except as to 12 months employees."

Which was adopted.

Yeas 28; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Higginbotham, King, Little, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Powell, Proctor, Roberts, St. John, Stewart, Vacca, Waldrop.

—28

Nays:

—0

Mr. Baker then offered the following amendment to the Bill, S. B. 359, as amended, to-wit:

AMENDMENT TO S. B. 359, AS AMENDED

Amend S. B. 359 Page 1 Line 38 after the word termination, strike out the semi-colon and add thereafter the following words,

"with a copy of the evaluation of said employee. Provided that such removal shall not be for political or personal reasons on the part of any party recommending or approving such removal."

and by deleting the rest of that paragraph.

Which was adopted.

Yeas 18; Nays 5.

Yeas:

Messrs. Baker, Bank, Edwards, Ellis, Gilmore, Higginbotham, King, Little, McDonald (A), McDonald (S), McMillan, Noonan, Owen, Perloff, Powell, Proctor, St. John, Waldrop.

—18

Nays: Messrs. Clemon, Fine, Pearson, Peden, Stewart.

—5

Mr. McDonald (S) offered the following amendment to the Bill, S. B. 359, as amended, to-wit:

AMENDMENT TO S. B. 359, AS AMENDED

Amend S. B. 359 by deleting Section 2, subsection (a) in its entirety, and substituting in lieu thereof the following:

Section 2. (a) All employees as defined in Section 1 of this Act shall be deemed employed on a probationary status for a period of eighteen months from the date of his or her employment, or in the case of persons already employed at the time of passage of this Act for a period of eighteen months following the effective date of this Act.

Mr. Clemon moved that said amendment be laid on the table, which motion was lost.

Yeas 11; Nays 16.

Yeas:

Messrs. Baker, Clemon, Fine, Mims, Pearson, Peden, Powell, Proctor, Stewart, Teague, Waldrop.

—11

Nays:

Adams, Bank, Edwards, Ellis, Gilmore, Higginbotham, King, Little, McDonald (A), McDonald (S), McMillan, Miller, Owen, Perloff, Roberts, St. John.

—16

The question was then on the amendment offered by Mr. McDonald (S) and a call of the roll resulted in a tie vote.

Yeas 14; Nays 14.

Yeas:

Messrs. Adams, Edwards, Ellis, Gilmore, Higginbotham, King, Little, McDonald (A), McDonald (S), McMillan, Noonan, Perloff, Roberts, St. John.

—14

Nays:

Messrs. Baker, Bank, Clemon, Fine, Miller, Mims, Mitchell, Pearson, Peden, Powell, Proctor, Stewart, Teague, Waldrop.

—14

The President and Presiding Officer of the Senate voted "Nay"; therefore, said amendment was lost.

Mr. McDonald (S) then offered the following amendment to the Bill, S. B. 359, as amended, to-wit:

AMENDMENT TO S. B. 359, AS AMENDED

Amend S. B. 359 by striking on Lines 24 and 25 on page 1 the words "and all other public educational institutions created by the Legislature,".

Mr. Clemon moved that said amendment be laid on the table, which motion was lost.

And said amendment was then adopted by the Senate.

Yeas 18; Nays 12.

Yeas:

Messrs. Adams, Bank, Edwards, Ellis, Fine, Gilmore, Higginbotham, Little, McDonald (A), McDonald (S), McMillan, Miller, Noonan, Owen, Perloff, Perry, Roberts, St. John.

—18

Nays:

Messrs. Baker, Clemon, Jones, Mims, Mitchell, Pearson, Peden, Powell, Proctor, Stewart, Teague, Waldrop.

—12

Mr. McDonald (S) then offered the following amendment to the Bill, S. B. 359, as amended, to-wit:

AMENDMENT TO S. B. 359, AS AMENDED

Amend S. B. 359 by deleting the word "review" found in Section 4, subsection (a), found on Page 2, line 22, and substituting in lieu thereof the word employing.

Further amend by deleting the word "review" found in Section 4, subsection (b), found on Page 2, line 25, and substituting in lieu thereof the word employing.

Further amend by deleting the word "review" found in Section 4, subsection (d), found on Page 2, line 32, and substituting in lieu thereof the word employing.

Further amend by deleting in Section 4, subsection (d), line 33, beginning with the word "and," as follows:

and appropriate employing authority

On motion of Mr. Clemon, said amendment was laid on the table.

Mr. St. John offered the following amendment to the Bill, S. B. 359, as amended, to-wit:

AMENDMENT TO S. B. 359, AS AMENDED

Amend S. B. 359 Page 1 Line 31, by striking out the word "six" and inserting in lieu thereof the word "twelve".

Which was adopted.

Yeas 29; Nays 1.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Higginbotham, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Miller, Mims, Noonan, Pearson, Peden, Perloff, Powell, Proctor, Roberts, St. John, Stewart, Teague, Vacca, Waldrop.

—29

Nay: Mr. Bank.

—1

Mr. McDonald (S) offered the following amendment to the Bill, S. B. 359, as amended, to-wit:

AMENDMENT TO S. B. 359, AS AMENDED

Amend S. B. 359 by inserting a new Section 6, on Page 3, line 13, as follows:

Section 6. The non-prevailing party shall bear the full and complete cost in all cases heard under provisions of this Act.

On motion of Mr. Clemon, said amendment was laid on the table.

Yeas 21; Nays 6.

Yeas:

Messrs. Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Jones, King, Little, McMillan, Miller, Mims, Pearson, Peden, Perloff, Powell, Proctor, Stewart, Teague, Waldrop.

—21

Nays:

Messrs. Adams, Higginbotham, McDonald (A), McDonald (S), Noonan, St. John.

—6

Mr. McDonald (S) then offered the following substitute for the Bill, S. B. 359, as amended, to-wit:

SUBSTITUTE FOR S. B. 359, AS AMENDED

A BILL
TO BE ENTITLED
AN ACT

To provide for fair dismissal procedures for certain non-professional employees, not otherwise covered by the state merit system, at certain public educational institutions and facilities; and to provide for and establish an appeal procedure to review dismissals of said employees.

Be It Enacted by the Legislature of Alabama:

Section 1. The term "employees", as used in this Act, is deemed to mean and include all persons employed by county and independent city boards of education, educational institutions under the control and auspices of the state board of education, the Alabama institute for deaf and blind, educational and correctional institutions under the control and auspices of the Alabama department of youth services, and all other public educational institutions created by the Legislature, and who are so employed as bus drivers, lunchroom or cafeteria workers and supervisors, maids and janitors, custodians, maintenance personnel, secretaries and clerical assistants, and all other persons not otherwise certified by the State Board of Education.

Section 2. (a) All employees as defined in Section 1 of this Act shall be deemed employed on a probationary status for a period of three years from the date of his or her employment, or in the case of persons already employed at the time of passage of this Act, for a period of three years following the effective date of this Act.

(b) During said probationary period the employing authority shall cause the employee's performance to be evaluated.

(c) At any time during the employee's probationary period, the employing authority may remove an employee by furnishing said employee written notification of termination.

Section 3. Upon the completion by the employee of said probationary period, said employee shall be deemed employed on a permanent status and said employee's employment shall thereafter be terminated only for good cause shown; but provided such termination shall not be made for political or personal reasons.

Section 4. The contract of employment of a permanent employee may be cancelled only in the following manner:

(a) The employing authority shall cause written notification to be served by United States registered or certified mail with postage pre-paid to the employee's last known mailing address stating in detail the reason or reasons for the proposed cancellation and further notifying said employee of his or her right to demand a hearing to contest said proposed cancellation before the employing board as hereinafter provided for in this Act.

(b) The employee so notified may contest such action by giving written notification of his or her demand for a hearing to the employing board within 15 days of receipt of the notification of the proposed cancellation.

(c) If said notification is not given by the employee as prescribed in Section 4(b) of this Act, the employee's contract shall be deemed cancelled as proposed and the decision of the employing authority shall be final.

(d) Within 15 days of receipt of notification of an employee's demand to contest his or her proposed cancellation, the employing board will conduct a hearing and notify the employee at least 5 days prior to said hearing of the exact date, time and place so set for the hearing.

(e) At said hearing, which shall be public or private at the discretion of the employee, the employee shall have the right to appear with or without counsel and shall have the right to be heard and to present the testimony or witnesses and other evidence bearing upon the reasons for the proposed cancellation and shall have the right to cross-examine adverse witnesses. The board shall make its findings and decisions within 5 days of the hearing and shall notify the parties of same forthwith.

Section 5. The findings and decision of the board shall be final and conclusive.

Section 6. The prevailing party shall bear the full and complete cost in all cases heard under provisions of this Act.

Section 7. All laws or parts of laws inconsistent or in conflict with the provisions of this Act are hereby expressly repealed.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

RECESS

At 11:20 A.M., on motion of Mr. Fine, the Senate took a recess until 1 o'clock this afternoon.

The recess period having expired, the Senate was called to order by Lieutenant Governor Beasley. A quorum of the Senate was present.

FURTHER CONSIDERATION OF S. B. 359

The Senate proceeded to further consideration of the Bill, S. B. 359.

The question was on the substitute offered by Mr. McDonald (S).

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 207. PROVIDING FOR THE CONTINUED EXISTENCE OF NORTHWEST ALABAMA STATE TECHNICAL COLLEGE.

Also:

H. J. R. 208. PROVIDING FOR THE CONTINUED EXISTENCE OF N. F. NUNNELLEY STATE TECHNICAL COLLEGE.

Also:

H. J. R. 209. PROVIDING FOR THE CONTINUED EXISTENCE OF THE OFFICE OF PROSECUTION SERVICES.

Also:

H. J. R. 210. PROVIDING FOR THE CONTINUED EXISTENCE OF THE OFFICE OF SPACE MANAGEMENT.

Also:

H. J. R. 211. PROVIDING FOR THE CONTINUED EXISTENCE OF THE OFFICE OF THE COORDINATOR OF HIGHWAY & TRAFFIC SAFETY.

Also:

H. J. R. 212. PROVIDING FOR THE CONTINUED EXISTENCE OF OPELIKA STATE TECHNICAL COLLEGE.

Also:

H. J. R. 213. PROVIDING FOR THE CONTINUED EXISTENCE OF THE PATRICK HENRY STATE JUNIOR COLLEGE.

Also:

H. J. R. 214. PROVIDING FOR THE CONTINUED EXISTENCE OF THE PERMANENT STUDY COMMITTEE ON ALABAMA'S JUDICIAL SYSTEM.

Also:

H. J. R. 216. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ADVISORY COUNCIL ON ALCOHOLISM & DRUG ABUSE.

Also:

H. J. R. 217. PROVIDING FOR THE CONTINUED EXISTENCE OF THE AGRICULTURAL AND INDUSTRIAL EXHIBIT COMMISSION.

Also:

H. J. R. 218. PROVIDING FOR THE CONTINUED EXISTENCE OF THE AGRICULTURAL CENTER BOARD.

Also:

H. J. R. 219. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA A & M UNIVERSITY.

Also:

H. J. R. 220. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA ACADEMY OF HONOR.

Also:

H. J. R. 221. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA ADVISORY COUNCILS ON VOCATIONAL EDUCATION.

Also:

H. J. R. 222. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA AGRICULTURAL CENTER CORPORATION.

Also:

H. J. R. 223. PROVIDING FOR THE CONTINUED EXISTENCE OF ALABAMA AVIATION AND TECHNICAL COLLEGE.

Also:

H. J. R. 225. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA BUILDING CORPORATION.

Also:

H. J. R. 226. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA BUILDING FINANCE AUTHORITY.

Also:

H. J. R. 227. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA COMMISSION ON HIGHER EDUCATION.

Also:

H. J. R. 229. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA COUNCIL ON THE ARTS & HUMANITIES.

Also:

H. J. R. 230. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA DEPARTMENT OF ARCHIVES AND HISTORY.

Also:

H. J. R. 231. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA DEVELOPMENT OFFICE.

Also:

H. J. R. 232. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA DIVERSION INVESTIGATIVE UNIT.

Also:

H. J. R. 233. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA EDUCATION AUTHORITY.

Also:

H. J. R. 234. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA HALL OF FAME.

Also:

H. J. R. 235. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA HIGH SCHOOL OF FINE ARTS.

Also:

H. J. R. 236. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA LAW INSTITUTE.

Also:

H. J. R. 237. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA OCCUPATIONAL INFORMATION SYSTEM.

Also:

H. J. R. 238. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA PEACE OFFICER'S ANNUITY & BENEFIT FUND.

Also:

H. J. R. 239. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA PLANNING AND ADVISORY COUNCIL FOR DEVELOPMENTAL DISABILITIES SERVICE AND FACILITIES.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 240. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA POLLUTION CONTROL FINANCE AUTHORITY.

Also:

H. J. R. 241. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA POST SECONDARY 1202 COMMISSION.

Also:

H. J. R. 242. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA PUBLIC SCHOOL AND COLLEGE AUTHORITY.

Also:

H. J. R. 244. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA STATE HOSPITALS AND PARTLOW STATE SCHOOL BOND COMMISSION.

Also:

H. J. R. 245. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA STATE UNIVERSITY.

Also:

H. J. R. 246. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA STEER ASSOCIATION.

Also:

H. J. R. 247. PROVIDING FOR THE CONTINUED EXISTENCE OF ALABAMA TECHNICAL COLLEGE.

Also:

H. J. R. 248. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA WOMEN'S COMMISSION.

Also:

H. J. R. 249. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA WOMEN'S HALL OF FAME.

Also:

H. J. R. 266. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BOARD OF COMPROMISE.

Also:

H. J. R. 267. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BOARD OF DENTAL SCHOLARSHIP AWARDS.

Also:

H. J. R. 268. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BOARD OF PLUMBING EXAMINERS.

Also:

H. J. R. 269. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BOARD OF TRUSTEES, ARCHIVES AND HISTORY DEPARTMENT.

Also:

H. J. R. 270. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BOND COMMISSION 1951.

Also:

H. J. R. 271. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BREWER STATE JUNIOR COLLEGE.

Also:

H. J. R. 272. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BUILDING COMMISSION.

Also:

H. J. R. 273. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BUREAU OF PUBLICITY AND INFORMATION (DEPARTMENT AND BOARD).

Also:

H. J. R. 274. PROVIDING FOR THE CONTINUED EXISTENCE OF THE CAHABA RIVER COMMISSION.

Also:

H. J. R. 275. PROVIDING FOR THE CONTINUED EXISTENCE OF THE CAMP SANITATION AND SAFETY ADVISORY COMMITTEE.

Also:

H. J. R. 276. PROVIDING FOR THE CONTINUED EXISTENCE OF THE CARVER STATE TECHNICAL TRADE SCHOOL.

Also:

H. J. R. 277. PROVIDING FOR THE CONTINUED EXISTENCE OF THE CHATTAHOOCHEE HISTORIC COMMISSION.

Also:

H. J. R. 278. PROVIDING FOR THE CONTINUED EXISTENCE OF THE CHATTAHOOCHEE VALLEY COMMUNITY COLLEGE.

Also:

H. J. R. 279. PROVIDING FOR THE CONTINUED EXISTENCE OF CHAUNCEY SPARKS STATE TECHNICAL COLLEGE.

Also:

H. J. R. 280. PROVIDING FOR THE CONTINUED EXISTENCE OF THE CHOCCOLOCCO WATERSHED ASSOCIATION.

Also:

H. J. R. 281. PROVIDING FOR THE CONTINUED EXISTENCE OF THE CHOCTAWHATCHEE WATERSHED CONSERVANCY DISTRICT.

Also:

H. J. R. 282. PROVIDING FOR THE CONTINUED EXISTENCE OF THE CODE REVISION COMMISSION.

Also:

H. J. R. 283. PROVIDING FOR THE CONTINUED EXISTENCE OF THE COMMISSION ON AGING (DEPARTMENT AND COMMISSION).

Also:

H. J. R. 284. PROVIDING FOR THE CONTINUED EXISTENCE OF THE COMMISSION ON UNIFORM STATE LAWS.

Also:

H. J. R. 286. PROVIDING FOR THE CONTINUED EXISTENCE OF THE CONSUMER PROTECTION AGENCY.

Also:

H. J. R. 288. PROVIDING FOR THE CONTINUED EXISTENCE OF THE COOSA-ALABAMA DEVELOPMENT AUTHORITY.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been

publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 289. PROVIDING FOR THE CONTINUED EXISTENCE OF THE CORPORATION FOR THE BORROWING FOR SCHOOLS.

Also:

H. J. R. 290. PROVIDING FOR THE CONTINUED EXISTENCE OF THE CORRECTIONS INSTITUTION FINANCE AUTHORITY.

Also:

H. J. R. 291. PROVIDING FOR THE CONTINUED EXISTENCE OF THE COUNCIL OF ALABAMA ARCHAEOLOGY.

Also:

H. J. R. 292. PROVIDING FOR THE CONTINUED EXISTENCE OF COUNCIL TRENHOLM STATE TECHNICAL COLLEGE.

Also:

H. J. R. 293. PROVIDING FOR THE CONTINUED EXISTENCE OF THE COUNTY RECORDS COMMISSION.

Also:

H. J. R. 294. PROVIDING FOR THE CONTINUED EXISTENCE OF THE CROOKED CREEK WATERSHED.

Also:

H. J. R. 295. PROVIDING FOR THE CONTINUED EXISTENCE OF THE DAUPHIN ISLAND PARK AND BEACH BOARD.

Also:

H. J. R. 296. PROVIDING FOR THE CONTINUED EXISTENCE OF THE DEAF AND BLIND INSTITUTE.

Also:

H. J. R. 299. PROVIDING FOR THE CONTINUED EXISTENCE OF THE DOCKS ADVISORY COMMITTEE.

Also:

H. J. R. 300. PROVIDING FOR THE CONTINUED EXISTENCE OF DOUGLAS MACARTHUR STATE TECHNICAL COLLEGE.

Also:

H. J. R. 301. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BOARD OF MEDICAL EXAMINERS.

Also:

H. J. R. 302. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BOARD OF NURSING AND NURSING ADVISORY COUNCIL.

Also:

H. J. R. 303. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BOARD OF DENTAL EXAMINERS.

Also:

H. J. R. 304. PROVIDING FOR THE CONTINUED EXISTENCE OF THE LICENSING BOARD FOR THE HEALING ARTS.

Also:

H. J. R. 305. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BOARD OF OPTOMETRY.

Also:

H. J. R. 306. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BOARD OF REGISTRATION FOR ARCHITECTS.

Also:

H. J. R. 307. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BOARD OF EXAMINERS OF LANDSCAPE ARCHITECTS.

Also:

H. J. R. 308. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BOARD FOR REGISTRATION OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS.

Also:

H. J. R. 309. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BOARD OF REGISTRATION FOR FORESTERS.

Also:

H. J. R. 310. PROVIDING FOR THE CONTINUED EXISTENCE OF THE PEACE OFFICERS PERSONNEL STANDARDS AND TRAINING COMMISSION.

Also:

H. J. R. 311. PROVIDING FOR THE CONTINUED EXISTENCE OF THE LICENSING BOARD FOR GENERAL CONTRACTORS.

Also:

H. J. R. 312. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ART COMMISSION.

Also:

H. J. R. 313. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA PUBLIC LIBRARY SERVICE.

Also:

H. J. R. 314. PROVIDING FOR THE CONTINUED EXISTENCE OF THE GULF STATE MARINE FISHERIES COMMISSION.

Also:

H. J. R. 315. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BUILDING AUTHORITY.

Also:

H. J. R. 316. PROVIDING FOR THE TERMINATION OF THE ALABAMA YOUTH COUNCIL.

Also:

H. J. R. 318. PROVIDING FOR THE CONTINUED EXISTENCE OF THE GOVERNOR'S ADVISORY COMMITTEE ON PORNOGRAPHY.

Also:

H. J. R. 319. PROVIDING FOR THE CONTINUED EXISTENCE OF THE NATIONAL GOVERNOR'S CONFERENCE.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

FURTHER CONSIDERATION OF S. B. 359

The Senate proceeded to further consideration of the Bill, S. B. 359, as amended.

The question was on the substitute offered by Mr. McDonald (S).

On motion of Mr. Clemon, said substitute was laid on the table.

REPORT FROM RULES

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 427. MOURNING THE TRAGIC AND UNTIMELY DEATH OF WILLIAM JAMES TURMAN, JR.

On motion of Mr. Vacca, said Resolution was then concurred in and adopted by the Senate.

FURTHER CONSIDERATION OF S. B. 359

The Senate proceeded to further consideration of the Bill, S. B. 359, as amended.

Mr. Edwards offered the following amendment to the Bill, S. B. 359, as amended, to-wit:

AMENDMENT TO S. B. 359, AS AMENDED

Amend S. B. 359 by deleting Section 2, subsection (c) in its entirety, and substituting in lieu thereof the following:

(c) At any time during the employee's probationary period, the employing authority may remove an employee by furnishing said employee written notification of termination.

On motion of Mr. Clemon, said amendment was laid on the table.

RESOLUTION

Messrs. Pearson, Clemon, and McMillan offered the following Senate Resolution, to-wit:

S. R. 389. MOURNING THE DEATH OF DEACON WILLIE MCKINSTRY.

WHEREAS, the Legislature of Alabama has learned, with deep regret, of the death of Deacon Willie McKinstry of Birmingham, Alabama, on March 4, 1978, at the age of 58; and

WHEREAS, Mr. McKinstry, born November 3, 1919, had been a member of the New Pilgrim Baptist Church for 22 years and was actively involved in all phases of church life; he was a member of the Board of Deacons and also had served as a Radio Evangelist; and

WHEREAS, his activities and involvements extended further to include many civic and community endeavors, and to the extent that he was considered a leader in both areas as well as in his church; and

WHEREAS, Deacon Willie McKinstry was a man who gained the respect, admiration and fond feelings of all those whose lives he touched and he will be long remembered with love by his family and many friends; now therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, That we are greatly grieved by the death of Deacon Willie McKinstry of Birmingham, Alabama; we extend deep sympathy to his wife, Mrs. Willie G. McKinstry, and to their two sons and four daughters, and direct that they receive copies of this resolution that they may know of our abiding concern for them in their time of sorrow.

On motion of Mr. Pearson, the Rules were suspended and the Resolution was adopted by the Senate.

JOINT SESSION

At 2:30 o'clock P.M., the Senate repaired to the Hall of the House of Representatives for the purpose of hearing the Message of the Honorable John C. White, Chairman of the Democratic National Committee.

The Session was called to order by Lieutenant Governor Beasley, Presiding Officer of the Senate. A quorum of the Legislature was present.

Thereupon, the Honorable John C. White was escorted to the chair and delivered his address to the Legislature of Alabama.

The purpose of the Joint Session having been accomplished, the Senate returned to its Chamber.

FURTHER CONSIDERATION OF S. B. 359

The Senate proceeded to further consideration of the Bill, S. B. 359, as amended.

Mr. McDonald (S) offered the following amendment to the Bill, S. B. 359, as amended, to-wit:

AMENDMENT TO S. B. 359, AS AMENDED

Amend S. B. 359 Page 4 Line 13, by striking out Section 14 and inserting therefor the following:

"This Act shall become effective September 1, 1978, after its passage and approval by the Governor or upon its otherwise becoming law."

Which was adopted.

Yeas 26; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Higginbotham, Jones, King, Little, McDonald (A), McDonald (S), Miller, Mims, Mitchell, Noonan, Peden, Perloff, Perry, Powell, Proctor, Stewart, Teague, Vacca.

—26

Nays:

—0

Mr. McDonald (S) then offered the following amendment to the Bill, S. B. 359, as amended, to-wit:

AMENDMENT TO S. B. 359, AS AMENDED

Amend S. B. 359 as amended Page 1 Line 33 by striking out the word "six" and insert in lieu thereof the word "twelve."

Which was adopted.

Yeas 22; Nays 0.

Yeas:

Messrs. Adams, Clemon, Edwards, Ellis, Fine, Gilmore, Higginbotham, Jones, Little, McDonald (A), McDonald (S), Miller, Mims, Mitchell, Noonan, Pearson, Peden, Perry, Powell, Proctor, Teague, Vacca.

—22

Nays:

—0

Mr. McDonald (S) then offered the following amendment to the Bill, S. B. 359, as amended, to-wit:

AMENDMENT TO S. B. 359, AS AMENDED

Amend S. B. 359 Page 1 Line 31 and 33 by striking out "twelve" after the word "exceed" and insert in lieu thereof the word "sixteen" and where ever it is found in said section.

On motion of Mr. Clemon, said amendment was laid on the table.

Yeas 20; Nays 8.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Fine, Gilmore, Jones, King, Miller, Mims, Mitchell, Pearson, Peden, Perry, Powell, Proctor, Stewart, Teague, Vacca, Waldrop.

—20

Nays:

Messrs. Edwards, Higginbotham, Little, McDonald (A), McDonald (S), McMillan, Noonan, Perloff.

—8

Mr. McDonald (S) then offered the following amendment to the Bill, S. B. 359, as amended, to-wit:

AMENDMENT TO S. B. 359, AS AMENDED

Amend S. B. 359 by substituting therein the word "state tenure commission" for the words "Review Board" whenever they appear.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 408. Relative to Adjournment.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 104. Relating to Washington County; giving the county governing body certain powers in regard to constructing and maintaining and repairing certain roads and rights-of-way leading to private dwellings.

Also:

H. 312. Relating to Russell County; to further regulate voter registration; to provide for the suspension of the voter's registration and rights when a registered voter fails to vote in at least one election for which he was eligible, held during the preceding four (4) years; and to provide for the reidentification procedure for such person.

Also:

H. 313. To amend Section 4 of Act No. 182, H. 439, Regular Session 1977, which act provides for the reidentification of registered voters of Chambers County so as to further provide for the compensation of the members of the board of registrars for attendance upon special sessions of the board.

Also:

H. 316. Relating to the City of Florence in Lauderdale County; waiving certain city taxes on certain annexed farm land.

Also:

H. 317. To amend Section 2 of Act No. 50, H. 91 of the 1977 First Special Session (Acts of 1977, p. 1472) entitled, "An Act Relating to all counties having a population of not less than 35,000 nor more than 38,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide additional compensation for the members of the county commission," so as to provide that the additional compensation be paid out of any county fund or funds, including the road and bridge fund.

Also:

H. 353. Relating to Russell County; amending Section 1 of Act No. 925, H. 1333, 1969 Regular Session (Acts of 1969, p. 1663), so as to include in the taxing and collection of law library fees court costs in cases docketed in the district court.

Also:

H. 387. To provide a county salary supplement for the circuit judges of the thirty-seventh judicial circuit to be paid by the county composing said circuit, to require certain contributions of said judges who participate in the county retirement system, and to repeal conflicting laws.

Also:

H. 413. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Toxey in Choctaw County.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 82. MOURNING THE UNTIMELY DEATH OF JOHN KENNETH BRACKETT.

Also:

H. J. R. 431. INVITING JOHN C. WHITE, CHAIRMAN OF THE DEMOCRATIC NATIONAL COMMITTEE, TO ADDRESS THE ALABAMA LEGISLATURE.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

FURTHER CONSIDERATION OF S. B. 359

The Senate proceeded to further consideration of the Bill, S. B. 359, as amended.

The question was on the amendment offered by Mr. McDonald (S).

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Messrs. Callahan, McCorquodale, Sandusky, Younce, Kennedy, Buskey, Sonnier, Cooper, Johnstone, Glass, McMillan and McCulley

H. J. R. 449. CONGRATULATING MR. WILLIAM J. HEARIN UPON HIS SELECTION AS MOBILIAN OF THE YEAR.

Also:

By Messrs. Callahan, Sandusky, Younce, Kennedy, Buskey, Sonnier, Cooper, Johnstone, Glass, McMillan and McCulley:

H. J. R. 450. CONGRATULATING GARY AND FRANCIS GREENOUGH ON THE BIRTH OF THEIR DAUGHTER.

Also:

By Messrs. Falkenburg, Gafford, Leonard, Armstrong, White, Andrews, Biddle, Trammell, Jackson (R), Thomas, Hopping, McNair, Boles, Tucker, Harrison, Hilliard, Waggoner, Moore (O), Howard, Jolly and Hall:

H. J. R. 451. MOURNING THE DEATH OF MR. DON A. HAWKINS.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolutions, H. J. R.'s 449, 450, and 451, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Dial, Mitchem, McCluskey, Shoemaker, Holmes (D), Lockett, Kelley, Morris and Pegues:

H. J. R. 457. COMMENDING THE ALABAMA DEVELOPMENT OFFICE AND DIRECTOR R. C. "RED" BAMBERG ON ALABAMA'S NUMBER ONE RANKING IN ANNOUNCED NEW AND EXPANDING INDUSTRIES IN THE SOUTHEAST.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 457, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Gafford:

H. J. R. 456. WHEREAS, Mrs. Clara S. Crowder, a resident of Birmingham, Alabama for forty-five years, is now serving her tenth consecutive year as Secretary to the Jefferson County Democratic Executive Committee, and

WHEREAS, Mrs. Crowder assisted in the founding of the Eastern Area Democratic Club, and

WHEREAS, Mrs. Crowder has given extensively of her services, and

WHEREAS, Mrs. Crowder was forty-five years old before she cast her first ballot in an election, she has served actively at the polls for the past twenty-seven years and has worked in many capacities within the Democratic Party, and

WHEREAS, Mrs. Crowder has been active in civic programs in the City of Birmingham, is a member of the Woodlawn Chapter No. 110, Order of the Eastern Star, Recording Secretary of the Greater Birmingham Safety League since 1967 and serves as Registrar for the Defensive Driving School, Past President of the Birmingham Area Business and Professional Women's Club, Past President of Soroptomist Club, and a long-time member of the East Lake Methodist Church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend Mrs. Clara S. Crowder for her many years of civic duty as well as her many years of work for better government.

BE IT FURTHER RESOLVED That a copy of this resolution be presented to Mrs. Crowder.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 456, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Gafford:

H. J. R. 455. WHEREAS, Mrs. Margaret Burnett is an outstanding citizen of Jefferson County, Alabama, and

WHEREAS, she has been a member of the Woodlawn Baptist Church since 1906 and has indeed taught Sunday School there for sixty years, and

WHEREAS, Mrs. Burnett has been a qualified voter since women were given the right to vote and during that time has been a staunch Democrat and hard worker and is known by many as "Mrs. Democrat", and

WHEREAS, Mrs. Burnett has worked at the polls in practically every election since she first was given the right to vote and has exercised such right in a good and prudent manner, and

WHEREAS, Mrs. Burnett ten years ago did help found the Eastern Area Democratic Club which is one of, if not the most, active Democratic Club in Jefferson County; now, therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, That we do hereby commend Mrs. Margaret Burnett for her outstanding contribution to civic, church, political and community activities over the period of her life and do wish her many years of happiness and continued activity as "Mrs. Democrat" in the City of Birmingham, Alabama.

BE IT FURTHER RESOLVED That a copy of this resolution be sent to Mrs. Burnett.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 455, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Williams:

H. J. R. 467. CONGRATULATING MR. AND MRS. HINTON WATERS ON THEIR GOLDEN WEDDING ANNIVERSARY.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 467, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

FURTHER CONSIDERATION OF S. B. 359

The Senate proceeded to further consideration of the Bill, S. B. 359, as amended.

The question was on the amendment offered by Mr. McDonald (S).

MOTION TO ADJOURN LOST

At 3:45 P.M., Mr. Perry moved that the Senate adjourn until Thursday, March 9, 1978, at 10 o'clock A.M., which motion was lost.

Yeas 8; Nays 15.

Yeas:

Messrs. Adams, Higginbotham, King, McDonald (S), Mitchell, Perloff, Perry, St. John.

—8

Nays:

Messrs. Baker, Clemon, Ellis, Gilmore, Jones, Little, McDonald (A), Miller, Mims, Pearson, Peden, Powell, Proctor, Stewart, Teague.

—15

FURTHER CONSIDERATION OF S. B. 359

The Senate proceeded to further consideration of the Bill, S. B. 359, as amended.

The question was on the amendment offered by Mr. McDonald (S).

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution to-wit:

S. R. 390. The following bills shall be the paramount and continuing order of business for the 17th legislative day only, upon reaching bills on third reading, taking precedence thereafter over all other business for said day:

BILL NO.	PAGE	DESCRIPTION
S. B. 181	56	Credit Unions
S. B. 356	28	Food Stamps
S. B. 487	2	Air Conditioning Board
S. B. 393	58	Parking decks
S. B. 71	50	Tom Brazeal Building
S. B. 179	4	Military retirement
S. B. 509	67	Probate Judges
S. B. 376	53	Sheriffs
S. B. 367	31	Sheriffs
S. B. 102	30	Diabetes Association
S. B. 458	45	Peace Officers annuity
S. B. 490	61	Folsom School
S. B. 407	29	UAB
S. B. 237	18	State Docks
S. B. 262	16	Mail delivery

S. B. 522	90	Small Business Assistance
S. B. 316	114	Health education
S. B. 12	51	Prison lands
S. B. 54	21	Motor vehicles
S. B. 60	48	Reports by state agencies
S. B. 83	49	Civil Defense
S. B. 183	8	Agriculture exemptions
S. B. 207		American Legion
S. B. 493		Legislative sessions
S. B. 234		Sports Hall of Fame
S. B. 284		Corporate take-overs
S. B. 496		Indian affairs
S. B. 378		Voter registration
S. B. 144		Names National Guard Armory
S. B. 107		Presidential preference primary
S. B. 171		Drivers license
S. B. 48		Library Services
S. B. 221		Commercial feed law
S. B. 98		Highway signs
S. B. 288		Names building—Causey

On motion of Mr. Clemon, the Rules were suspended and the Resolution was adopted by the Senate.

ADJOURNMENT

At 4 o'clock P.M., on motion of Mr. Perry, in accordance with Joint Resolution heretofore adopted, and pending further consideration of S. B.'s 359 and 479, the Senate adjourned until Thursday, March 9, 1978, at 10:30 A.M.

Yeas 14; Nays 10.

Yeas:

Messrs. Adams, Baker, Fine, Gilmore, Higginbotham, King, McDonald (A), McDonald (S), Mitchell, Owen, Peden, Perloff, Perry, St. John.

—14

Nays:

Messrs. Clemon, Jones, Little, Miller, Pearson, Powell, Roberts, Stewart, Vacca, Waldrop.

—10

SEVENTEENTH LEGISLATIVE DAY

THURSDAY, MARCH 9, 1978

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

PRAYER

The Session was opened with prayer by the Reverend Mike Quarles, Minister, Decatur Presbyterian Church, Decatur, Alabama.

ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop.

. —34

JOURNAL

On motion of Mr. Adams, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Sixteenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

U. W. CLEMON,
Chairman.

COMMITTEE REPORT

On motion of Mr. Clemon, the foregoing report was concurred in and the Journal of the Senate for the Sixteenth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On Motion of Mr. Adams, leave of absence was granted Mr. Wilson for today.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Higginbotham (with notice and proof):

S. 667. Relating to the District Court for Russell County; authorizing the governing body of Russell County, in its discretion, to provide an expense allowance for the Judge of the District Court for Russell County not to exceed \$3,000.00 per year.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 667, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Bank:

S. 668. To amend Sections 16-17-17, 16-17-16 and 16-17-19 of the Code of Alabama 1975, so as to provide for further powers of the Board of Directors of the Authority; to provide additional instructions relating to payment of earnings of the Authority; to provide for a determination as to when and where title shall vest after full payment of certain bonds; and to provide for retroactive effect.

Committee on State Government.

By Mr. Bank:

S. 669. To amend further Section 40-6-1 of the Code of Alabama 1975, as amended, relating to qualifications of certain public officials electing to become supernumeraries so as to provide further for such qualifications.

Committee on Finance and Taxation.

By Mr. Owen:

S. 670. To provide for the designation and regulation of Industrial Parks by County Commissions; the legal status of Industrial Parks; facilities to be furnished and maintained by the Industrial Parks; to exempt Industrial Parks from being included in the Police Jurisdiction of municipalities; and confirming the rights and responsibilities of County Commissions, including the right of taxation.

Committee on State Government.

By Messrs. Perloff and Adams:

S. 671. To amend Section 34-9-27 of the Code of Alabama 1975 relating to the employment, supervision, and practice of dental hygienists and dental hygienist trainees.

Committee on Health and Welfare.

By Messrs. Mitchell, Teague, Bank, Mims and Powell:

S. 672. To amend Sections 27-1-4, 22-21-240, and 22-21-242 of the Code of Alabama 1975, so as to allow licensed dental practitioners in Ala-

bama to establish, maintain, administer and operate a trust for the purpose of insuring against general public liability claims based upon acts or omissions of such dental practitioners.

Committee on Insurance.

By Mr. Vacca:

S. 673. To amend Act No. 556 of the Regular Session of the Legislature of Alabama of 1959, approved November 19, 1959 (Ala. Acts, 1959, p. 1376), as heretofore amended, which Act established a supplemental pension and relief or retirement system for firement and policemen who are members of any pension and relief system established under Act No. 929 of the Regular Session of the Legislature of Alabama of 1951 (Ala. Acts, 1951, p. 1579).

Committee on Finance and Taxation.

By Mr. St. John:

S. 674. To adopt and incorporate into the Code of Alabama 1975 all of the general and permanent laws of the State of Alabama adopted during the 1976 and 1977 sessions of the Legislature and Act No. 144, S. 58, 1975 3rd Special Session, effective December 1, 1976, with the exception of the Alabama Criminal Code (Act No. 607, S. 33, 1977 Regular Session), as contained in the 1977 Cumulative Supplement to the Code of Alabama 1975 and to make certain corrections in such Cumulative Supplement.

Committee on Judiciary.

By Mr. Edwards:

S. 675. To provide capital outlay funds for seven (7) emergency renovation projects in postsecondary education institutions. These seven projects were identified during the course of on-site visits by a qualified team of facilities and campus planning persons who traveled the entire state of Alabama to evaluate institutional requests for renovation funds. The emergency nature of the renovation required for these projects is such that the need cannot be postponed in anticipation of a bond issue and the necessary delay associated with gaining the proceeds from such an issue. Additionally, the institutions do not have unearmarked or uncommitted funds which could be directed toward the alleviation of these conditions.

Committee on Finance and Taxation.

By Mr. Mims (with notice and proof):

S. 676. Relating to Monroe County; providing additional expense allowances for members of the board of education.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 676, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Mims (with notice and proof):

S. 677. To authorize the Presiding Circuit Judge of the 35th Judicial

Circuit to withdraw a certain amount from the Solicitor's Funds which comprise such Circuit to be used for the effective administration of justice.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 677, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Fine:

S. 678. To amend Section 7-9-401 of the 1975 Code of Alabama so as to provide that farm equipment and other related goods be filed in the office of the secretary of state in order to perfect a security interest in such goods.

Committee on Agriculture.

By Mr. Mims:

S. 679. To amend Section 9-3-5, Code of Alabama 1975 so as to authorize the State Forester to hire forest law enforcement officers; to prescribe the duties and retirement of such officers.

Committee on Agriculture.

REPORTS OF COMMITTEES

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Manley, et al (With Amendment):

H. 400. Proposing an amendment to further amend Article XI, Section 217, of the Constitution of Alabama 1901 relative to ad valorem taxation; further providing for the assessment of taxable property and the levy of such tax.

The above Bill was read a second time at length as required by the Constitution.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Mr. Manley, et al (With Amendments):

H. 401. To further amend Section 40-8-1, Code of Alabama 1975, as last amended so as to adjust the ratio of assessed value to fair and reasonable market value of property in certain counties; and to provide a property tax credit for increased taxes paid as a result of early completion of reappraisal in certain counties.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill

and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Manley, et al:

H. 402. To amend Section 40-7-15, Code of Alabama 1975, relating to the assessment of taxes so as to further provide for determining the value of taxable property and providing for a pass-on of any benefits to public utilities.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Manley, et al (With Amendment):

H. 403. To amend Section 40-9-19, Code of Alabama 1975, to increase the homestead exemption from \$2,000 to \$5,000, such exemption being applicable to all state ad valorem taxes.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Robertson:

H. 87. To increase the probate judges' and license commissioners' fee for issuing motor vehicle licenses.

By Mr. Owen:

S. 597. To make an additional appropriation for salaries and other expenses for the use of the legislature for the fiscal year ending September 30, 1978.

By Mr. Pearson:

S. 546. Proposing an amendment to the Constitution of Alabama relating to public retirement systems, to prohibit increased benefits under retirement plans which are funded in whole or in part by public funds unless increased funding has been provided; to require the legislature to annually appropriate the necessary funds and prescribe member contributions for all retirement systems operated by the state; and to prohibit the diversion of assets or funds from public retirement systems.

The above Bill was read a second time at length as required by the Constitution.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Gilmore (With Substitute):

S. 553. To amend Sections 34-27-4, 34-27-31 and 34-27-35 of the Code of Alabama 1975 pertaining to qualifications for real estate broker and real estate salesmen licensees, so as to establish a "Real Estate Recovery Fund"; to provide procedural rights for aggrieved parties in certain real estate

transactions and to provide for the termination of the license of any person against whom a judgment creates a claim against such fund; and to further provide for certain fees and the distribution thereof.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Proctor, Gilmore, Stewart and Teague:

S. 554. Relating to the eighteenth judicial circuit; providing for an additional circuit court judge in such circuit and prescribing the duties, authority, and compensation of such judge.

By Messrs. McDonald (A) and Noonan:

S. 598. To appropriate money to the Highway Department to erect the Saturn BI Rocket at the Ardmore Welcome Center.

By Mr. Jones:

S. 601. To provide salary increases for certain state employees, and to appropriate funds therefor.

By Mr. Ellis:

S. 603. To authorize certain counties to adopt by reference the provisions of building, plumbing, gas, mechanical, electrical, housing, fire prevention, safety, and other codes prepared by model code organizations and technical trade associations, with exceptions; to provide for the Administration of such standards and penalties for violations thereof; to authorize the collection of certain fees; and to define the areas where such county codes will be applicable.

Mr. St. John, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Clemon and Peden:

S. 609. To amend Section 20-2-90 of the Code of Alabama 1975, which relates to the enforcement of the Alabama Uniform Controlled Substances Act, so as to give officers of the alcoholic beverage control board certain powers in regard thereto, and to give all officers enforcing the Act certain further law enforcement powers.

By Messrs. Smith (C), Barron and Plaster:

H. 140. To provide for privileged communications with clergymen.

By Messrs Vacca and Ellis:

S. 643. To amend Section 6-5-332 of the Code of Alabama of 1975, herein called "the good samaritan law", by extending the protection of the good samaritan law to any member of any police or fire department while such member in the performance of his duty as a member of such department is rendering first aid or emergency care to a person injured or ill.

By Mr. Little:

S. 548. To authorize the Alabama Public Library Service to purchase and place a set of the Code of Alabama 1975, and supplements or replacements thereof, in each public library operating under the authority of the Alabama Public Library Service; and to make an appropriation from the special educational trust fund.

Mr. Waldrop, Chairman of the Standing Committee on Business and Labor Relations, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. McDonald (A):

S. 141. To require the repurchase of inventory of stock and equipment held for sale by certain franchisee-retailers, by the franchisor-wholesaler, franchisor-manufacturer or franchisor-distributor; to provide a procedure for such repurchase; to establish limitations upon such repurchase; to provide for failure to repurchase; to extend the right to require such repurchase to the heirs of the franchisee-retailer; and to provide for other provisions necessary to effect the purposes of this act.

By Mr. Waldrop:

S. 163. To amend Section 25-5-77, Code of Alabama 1975, which relates to medical, surgical, and hospital service, and vocational rehabilitation under workmen's compensation so as to provide that injured employees shall have their choice of physicians for treatment and the employer shall be fully liable for such treatment.

Mr. Mims, Chairman of the Standing Committee on Agriculture, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Ellis, St. John, Mims, McDonald (A) and Goodwin:

S. 494. To amend Section 3203 of Act No. 607, S. 33 of the 1977 Regular Session of the legislature (1977 Acts p. 812) known as the "Alabama Criminal Code," so as to include theft of cattle within the definition of theft of Property in the Second Degree.

Mr. Mims, Chairman of the Standing Committee on Agriculture, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Edwards (With Substitute):

H. 375. To provide for the slaughtering, inspecting, or processing for human consumption of any domestically raised rabbit.

Mr. Baker, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Perloff (with notice and proof) (With Amendment):

S. 618. To authorize the county commission or other like governing

body of any county having a population of not less than 300,000 nor more than 500,000 according to the most recent federal decennial census, to select and appoint a secretary for each county commissioner, to provide for the appointment of such secretary, to provide for the salary of each secretary, and the method of payment of such secretary.

Mr. Baker, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. McDonald (A) (with notice and proof):

S. 94. Relating to Madison County, to authorize the County Commission to designate an official County Historian and appropriate an honorarium for same.

By Mr. McDonald (A) (with notice and proof):

S. 93. To provide that the Madison County Commission may appoint an Awards Committee to make recommendations to said commission.

By Mr. Campbell (with notice and proof):

H. 190. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Butler, in Choctaw County.

Mr. Gilmore, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Gilmore, Vacca, Proctor, Clemon, Pearson, McMillan and Ellis (with notice and proof):

S. 655. To further amend Section 1 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965 (Ala. Acts, 1965, pp. 717-739) establishing a retirement system for employees and officers of Jefferson County, Alabama, as heretofore amended.

By Messrs. Gilmore, Vacca, Proctor, Clemon, Pearson, McMillan and Ellis (with notice and proof):

S. 656. To further amend Section 12 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965 (Ala. Acts, 1965, pp. 717-739) establishing a retirement system for employees and officers of Jefferson County, Alabama, as heretofore amended.

By Messrs. Gilmore, Vacca, Proctor, Clemon, Pearson, McMillan and Ellis (with notice and proof):

S. 657. To further amend Section 10 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965 (Ala. Acts, 1965, pp. 717-739) establishing a retirement system for employees and officers of Jefferson County, Alabama, as heretofore amended.

Mr. Baker, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Roberts (With Substitute) (With Amendment):

S. 426. To propose and provide for the submission of an amendment to the Constitution of Alabama relating to Mobile County for the purpose of granting local self-government or a home rule to said county.

The above Bill was read a second time at length as required by the Constitution.

BILLS RE-REFERRED

Mr. Jones moved that the Bills, S. B.'s 312, 632, 386, 437, 243, 492, and 586, be removed from the Standing Committee on State Government and re-referred to another Committee, which motion was adopted.

And the President and Presiding Officer of the Senate ordered the Bills, S. B.'s 312, 632, 386, 243, and 586, re-referred to the Standing Committee on Finance and Taxation, the Bill, S. B. 437, re-referred to the Standing Committee on Judiciary, and the Bill, S. B. 492, re-referred to the Standing Committee on Conservation.

RESOLUTIONS

Messrs. Jones, Pearson, Clemon, and Ellis offered the following Senate Joint Resolution, to-wit:

S. J. R. 391. EXPRESSING GRATITUDE TO SENATOR PAT VACCA FOR HIS DECISION TO RUN AGAIN.

WHEREAS, There was a strong and frightening rumor that Senator Paschal P. Vacca would not run again for the 12th Senatorial District seat; and

WHEREAS, The thought of the Alabama Senate without Pat Vacca is almost impossible to imagine; and

WHEREAS, Senator Vacca is in his fifth legislative term, three of them as senator; his amiability, wisdom, and dedication have won for him many abiding friendships in the Capitol complex and throughout the state; and

WHEREAS, Senator Vacca, a man of outstanding ability, courage, and intelligence has represented the people of Jefferson County and the State of Alabama in a manner to bring credit on him and his family; and

WHEREAS, When the Senate becomes bogged down, as it is prone to do on rare occasions, Senator Pat comes to the microphone with exactly the right words to get us back on the track; now, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That we express our relief and delight that Senator Pat Vacca has decided to run for the Senate again, thereby assuring us of four more years of his statesmanship and wise influence in the Legislature.

BE IT FURTHER RESOLVED, That a copy of this Resolution be presented to Senator Vacca that he may know of our great respect and deep affection for him.

On motion of Mr. Mitchell, the Rules were suspended and the Resolution was adopted by the Senate.

MOTION IN WRITING

Mr. McMillan offered the following Motion in Writing, to-wit:

MOTION TO AMEND THE RULES

Mr. President:

Pursuant to the notice in writing previously given, I move that Rules 7, 8, 11 and 12 of the Senate Rules be amended to read as follows:

RULE 7. After reading the journal, the regular order of transacting business for the Senate shall be:

- 1st, Signing of bills;
- 2nd, Call of districts;
- 3rd, House messages;
- 4th, Reports from standing committees;
- 5th, Reports from select committees;
- 6th, Motions and resolutions;
- 7th, Bills on third reading;
- 8th, Special orders of the day at twelve o'clock noon;
- 9th, Other business.

Provided, however, that on the first legislative day of the week the calendar shall be called under Rule 7A, and during that time no motion shall be entertained to proceed to the consideration of any bill, resolution, report of a committee, or other subject upon the calendar except the motion to continue the consideration of a bill, resolution, report of a committee, or other subject against objection as provided in Rule 7A. If adjournment occurs prior to invoking Rule 7A, then the next legislative day shall be treated as if it were the first legislative day of the week and Rule 7A shall be applicable.

RULE 7A. At the conclusion of the reports from the select committees, unless upon motion with unanimous consent, the Senate shall at any time otherwise order, the Senate shall proceed to the consideration of motions, resolutions and bills on third reading and continue such consideration until 2:00 p.m. o'clock or the lapse of three hours, whichever gives the longer period; and motions, bills and resolutions that are not objected to shall be taken up in their order, and each Senator shall be entitled to speak once and for three minutes on any question; provided, however, the entire period of debate shall not exceed twenty-four minutes on any pending motion, and the objection may be interposed at any stage of the proceedings, but upon motion the Senate may continue such consideration; and this order shall commence immediately after the reports from the select committees and shall take precedence of the unfinished business and other special orders. At the conclusion of the reports from select committees, on any calendar day and until after the duration of three hours, except as determined to the contrary by unanimous consent or on motion without debate, all debate shall be germane and confined to the specific question then pending before the Senate.

RULE 8. The regular order of business shall not be set aside except by a majority vote of the Senate, upon a resolution previously considered and

reported by the committee on rules. The reading of the journal, however, may be dispensed with on motion, which motion shall be decided without debate. This rule shall not apply when Rule 7A is invoked.

RULE 11. The unfinished business in which the Senate was engaged at the last preceding adjournment shall have preference in the special orders of the day. This rule shall not apply when Rule 7A is invoked.

RULE 12. Special orders shall not be called on any legislative day before twelve o'clock noon, unless specially set for some other hour by motion or resolution. This rule shall not apply when Rule 7A is invoked.

Which was read and referred to the Standing Committee on Rules.

RESOLUTIONS

Mr. Mitchell offered the following Senate Joint Resolution, to-wit:

S. J. R. 392. NAMING THE BRIDGE IN SOUTH CRENSHAW COUNTY, JUST SOUTH OF BRANTLEY, ALABAMA, LOCATED ON U. S. HIGHWAY 331 OVER THE CONECUH RIVER, THE "JIM FRANK WEED BRIDGE."

WHEREAS, Mr. Jim Frank Weed, who was born in 1891, is a native and lifelong resident of Crenshaw County; he has lived all his life on land homesteaded by his father, only the second generation to have farmed, only the second generation to have farmed the acreage acquired by his father from U. S. public lands under homestead law; and

WHEREAS, primarily a farmer, he also has been engaged in the mercantile business since 1924; he further served as county commissioner from 1934 to 1946, was Mayor of Brantley from 1958 to 1962, a charter member of the Brantley Rotary Club, has been chairman of the Pensions and Security Board in Crenshaw County for more than 40 years and remains active today as a productive and contributing citizen of his community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That, in honor of Mr. Jim Frank Weed, this body hereby names and designates the bridge over the Conecuh River, on U. S. Highway 331, just south of Brantley, Alabama, in South Crenshaw County, the "Jim Frank Weed Bridge."

BE IT FURTHER RESOLVED, That the Highway Department is hereby authorized and directed to erect and maintain appropriate signs and markers so designating said bridge as the "Jim Frank Weed Bridge."

RESOLVED FURTHER, That a copy of this resolution be sent to Mr. Weed and his wife, Mrs. Nancy Taylor Weed, and their son, Taylor Weed, as a token of this honorary designation.

Which was read and referred to the Standing Committee on Rules.

Messrs. McMillan, Pearson, Clemon, Gilmore, Ellis, and Vacca offered the following Senate Joint Resolution, to-wit:

S. J. R. 393. MOURNING THE DEATH OF BIRMINGHAM CITY COUNCIL PRESIDENT DON A. HAWKINS.

WHEREAS, Birmingham City Council President Don A. Hawkins, a cornerstone of the City Council since the day it was formed, died on Sunday, March 5, after a long illness; and

WHEREAS, Mr. Hawkins was elected to the first Birmingham City Council in 1963, and served as its president from 1971 until his death; despite long absences due to illness, he was unanimously re-elected council president in 1977, causing a Birmingham editorial writer to label this achievement "a mark of the high esteem in which he is held by council members and indicates the value members put upon his sense of fair play and effectiveness"; and

WHEREAS, Don Hawkins, from his hospital bed, continued to conduct council business by telephone, and his courage and cheerfulness in the face of death was an inspiration to his colleagues and many friends; and

WHEREAS, In recognition of the many contributions Mr. Hawkins made to the Birmingham community, especially in the area of parks and recreational facilities, Roebuck Park has been re-named the Don A. Hawkins Park; and

WHEREAS, The death of Mr. Hawkins, who was an active and devoted member of the Methodist Church, has left a vacuum in the civic and cultural life of Birmingham that will be difficult to fill; now therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF representatives concurring, that we are grateful for the many contributions Don A. Hawkins made to his beloved city of Birmingham and the State of Alabama; during his lifetime, we held him in deep affection and great respect; in his death, we honor his memory.

BE IT FURTHER RESOLVED That copies of this Resolution be sent to his wife, Mrs. Mary Lou Eads Hawkins, his two sons, Don L. and R. Larry Hawkins, and his two daughters, Misses Brenda L. and Janet L. Hawkins, all of Birmingham.

On motion of Mr. McMillan, the Rules were suspended and the Resolution was adopted by the Senate.

BILL RE-COMMITTED

Mr. Baker moved that the Bill, S. B. 580, be removed from the Calendar and re-referred to another Committee, which motion was adopted.

And the President and Presiding Officer of the Senate ordered said Bill, S. B. 580, re-committed to the Standing Committee on Local Legislation No. 1.

BILLS ON THIRD READING

The Bill:

H. 431. To authorize any town or city in the State of Alabama to plan, establish, develop, acquire, construct, enlarge, improve, maintain, equip, operate, regulate and protect any building, structure, land, leasehold estate, interest in land, right of way, equipment or instrumentality used or useful in connection with construction, equipping, development, maintenance or operation of any area or building for off street parking of motor vehicles (defined

as parking facilities), to finance the cost of parking facilities in whole or in part by the issuance of bonds, warrants, notes or other evidences of indebtedness maturing at such time or times as the Governing Body of the town or city may determine, not exceeding thirty years from their respective dates; to pledge to the payment thereof its full faith and credit and any tax, license or revenues which the town or city may then be authorized to pledge to the payment of bonded or other indebtedness; to lease or let parking facilities or any one or more of them to such tenant or tenants for such periods and for such compensation or rental and on such conditions as the governing body of the town or city may prescribe; to fix, establish, collect and alter parking fees, tolls, rents and other charges for the use of any parking facility; to make and enforce rules and regulations governing the use of any parking facilities owned or operated by the town or city and to execute such contracts and other instruments and to take such other action as the governing body of the town or city may deem necessary or convenient in connection with parking facilities.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Abstaining 1.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Goodwin, Higginbotham, Jones, King, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Powell, Proctor, St. John.

—25

Nays:

—0

Abstaining: Mr. Little.

—1

UNFINISHED BUSINESS

The Senate proceeded to further consideration of the Unfinished Business for today, the first of which was the Bill:

S. 359. To provide for fair dismissal procedures for certain non-professional employees, not otherwise covered by the state merit system, at certain public educational institutions and facilities; to provide for and establish a review board to review dismissals of said employees; to provide for the appointment of review board members and their compensation; to define the duties, authority and jurisdiction of the review board; and to provide for judicial review of the decisions of the review board.

as amended.

The question was on the amendment offered by Mr. McDonald (S), which said amendment is set out in the Journal of the Senate for the Sixteenth Legislative Day.

On motion of Mr. Owen, further consideration of the Bill, S. B. 359, as amended, and pending amendment, was postponed temporarily.

The Senate proceeded to consideration of the second item of Unfinished Business for today, which was the Bill:

S. 479. To create a cabinet level position known as "Commissioner of Utilities"; to provide for the appointment, term and compensation of said commissioner; to provide that the public service commission shall abrogate certain powers, duties, authority and jurisdiction in favor of said commissioner; to further empower said commissioner to increase and decrease utility rates and charges in the best interests of the consumer public; to provide for direct appeal to the state supreme court of certain orders issued by said commissioner; to provide for the staffing of said commissioner's office; to make necessary appropriations to carry out the provisions of this Act and to provide for supplemental effect.

The question was on the substitute offered by Mr. Baker, which said substitute is set out in the Journal of the Senate for the Fourteenth Legislative Day.

On motion of Mr. Baker, said substitute was laid on the table.

Messrs. Stewart, Pearson and Baker offered the following substitute for the Bill, S. B. 479, to-wit:

SUBSTITUTE FOR S. B. 479

A BILL TO BE ENTITLED AN ACT

To reorganize the Public Service Commission by providing for an increase in the membership of said commission; to prescribe geographical districts for members of the Commission; and to prescribe terms of office, compensation and procedure for election of the members and requires the Public Service Commission to hire an executive director and certain other specialized personnel necessary to transform it into a highly structured regulatory commission.

Be It Enacted by the Legislature of Alabama:

Section 1. The Public Service Commission established by Section 37-1-1 of the Code of Alabama 1975 is hereby reorganized so as to consist of five (5) members, who shall represent five public service commission districts throughout the state which shall be geographically defined as follows: Commission District No. 1 shall include all territory within Senate districts 6, 7, 8, 9, 10, 19 and 20; Commission District No. 2 shall include all territory within Senate districts 5, 11, 12, 13, 15, 17 and 14. Commission District No. 3 shall include all territory within Senate districts 21, 22, 23, 24, 25, 26 and 27; Commission District No. 4 shall include all territory within Senate districts 1, 2, 3, 4, 16, 18 and 30; and Commission District No. 5 shall include all territory within Senate districts 28, 29, 31, 32, 33, 34 and 35.

Section 2. The president and all incumbent associate members of the Commission shall continue to serve until the expiration of their current terms. Provided, however, that after the term of the current president expires, the president of the Commission shall be chosen bi-annually by a majority vote of the members elected to the Commission.

Section 3. Four (4) members of the Commission shall be elected at the general election in 1978 from Commission Districts No. 1, No. 4 and No. 5.

Those commissioners elected from District No. 1 and No. 2 shall serve for initial terms of two years and those commissioners elected from Districts No. 3 and No. 4 shall serve for initial terms of four years. Thereafter, all such commissioners shall serve for terms of four years. All candidates for such offices shall be bona fide residents of the district which they seek to represent and shall be nominated and elected by the qualified electors of their districts.

Section 4. The compensation of the several associate members of the Commission shall be \$34,500 per annum and the compensation of the president shall be \$35,000 per annum.

Section 5. The commission, under the provisions of the merit system, shall hire an executive director, a personnel analyst, two (2) systems analysts, three (3) transportation rates analysts, two (2) transportation rates specialists, eight (8) transportation enforcement officers, eight (8) public utility rates analysts, three (3) public utility consumer representatives, officers and such accountants, attorneys, engineers, experts, inspectors, clerks and other classified employees as are necessary or expedient to carry out the duties conferred by law upon the commission, and the salaries thereof shall be fixed according to the provisions of the merit system. Provided, however, that the president shall be the only commissioner authorized to hire an Executive Assistant whose duty it shall be to assist in the administration of the office of the president and whose salary shall be set by the state personnel board. The commission shall also, by and with the approval of the Governor, have authority to employ and discharge special counsel or attorneys as it may be deemed necessary for such purpose.

Section 6. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. All laws or parts of laws which conflict with this act are hereby repealed.

Section 8. This act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 28; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Powell, Roberts, St. John, Stewart, Teague, Vacca.

—28

Nays:

—0

And said Bill, S. B. 479, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 29; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Goodwin,

Higginbotham, Jones, King, Little, McDonald (A), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Powell, Proctor, Roberts, St. John, Stewart, Teague, Vacca.

—29

Nays:

—0

SPECIAL ORDER

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 181. To amend Section 5-2-10, 5-2-120, 5-2-123, 5-2-125, 5-17-1, 5-17-8, 5-17-17, 5-17-19, 5-17-20, 5-17-2 as amended by Section 3 of Act No. 210, Regular Session 1977, and Section 5-17-11 as amended by Section 1 of Act No. 210, Regular Session 1977, Code of Alabama 1975, all of which provide for credit unions in Alabama, so as to provide for enactment of regulations by the State Banking Department, appointment of members of the Credit Union Board of the Bureau of Credit Unions by the governor, procedures for adoption of rules and regulations by the Superintendent of Banks, hearing on charter revocations, election of officers, reserves and insurance requirements, and elimination of unnecessary language.

And said Bill, S. B. 181, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

Yeas:

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Jones, King, Little, McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Roberts, St. John, Stewart, Teague, Vacca, Waldrop.

—24

Nays:

—0

The Bill:

S. 356. TO AMEND, Section 40-23-35, Code of Alabama 1975, so as to provide for the distribution of the proceeds from the four percent (4%) sales tax; to provide that the distribution rate to the State Department of Pensions and Security for the administration of the Food Stamp Act of 1964, Public Law 88-525, 88th Congress, and amendments enacted thereto, shall be five percent (5%) of the value of the coupons issued statewide in excess of the amount paid by recipients (bonus or free stamps) during the immediate prior fiscal quarter; and to change the Food Stamp program from a County/State operation to a State administered program.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, S. B. 356, to-wit:

SUBSTITUTE FOR S. B. 356

A BILL
TO BE ENTITLED
AN ACT

To amend Section 40-23-35, Code of Alabama 1975, so as to provide for the distribution of the proceeds from the four percent (4%) sales tax; to provide that the distribution rate to the State Department of Pensions and Security for the administration of the Food Stamp Act of 1964, Public Law 88-525, 88th Congress, and amendments enacted thereto, shall be five percent (5%) of the value of the coupons issued statewide in excess of the amount paid by recipients (bonus or free stamps) during the immediate prior fiscal quarter; to regulate staffing on a county level; to change the Food Stamp program from a county/state operation to a state administered program; and to make the provisions retroactively effective to January 1, 1978.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-23-35, Code of Alabama 1975, is hereby amended to read as follows:

"§ 40-23-35. Such amount of money as shall be appropriated for each fiscal year by the legislature to the department of revenue with which to pay the salaries, the cost of operation and management of said department shall be deducted, as a first charge thereon, from the taxes collected under the provisions of this division; provided, that the expenditure of said sum so appropriated shall be budgeted and allotted pursuant to article 4 of chapter 4 of Title 41 of this Code, and limited to the amount appropriated to defray the expenses of operating said department for each fiscal year. After the payment of the expenses, so much of the amount remaining as may be necessary, after first applying all sums of money received by reason of the application of the surplus in the income tax as provided by section 40-18-58, for the replacement in the public school fund of the three-mill constitutional levy for schools and in the general fund of the one-mill levy for soldiers' relief and the two and one-half mills for general purposes lost by exemption of homestead provided for in this division shall be first charges against the proceeds of said licenses, taxes or receipts levied or collected under this division. The comptroller, with the approval of the governor, is hereby directed to draw his warrants payable out of the total proceeds of said licenses, taxes or receipts levied or collected under this division as herein provided in such sum as shall be found necessary to take care of and replace the three-mill constitutional school levy, the one-mill soldiers' relief levy and the two and one-half mill levy for general purposes of the state ad valorem taxes lost as above set forth. If the amounts of such collections in any fiscal year, remaining after the payment of the expenses of administration and replacement of the amounts in the several funds as herein provided, is equal to \$4,200,000.00, then the sum of \$378,000.00 shall be paid into the treasury to the credit of the 67 counties of the state, to be divided and distributed as hereinafter provided. If the amount of such collections in any fiscal year, remaining after the payment of expenses of administration, and the replacement of the amounts in the several funds derived from the state six and one-half mill tax, as herein provided, is less than \$4,200,000.00, then an amount equal to nine percent thereof shall be paid into the treasury to the credit of the 67 counties of the state to be divided and distributed as hereinafter provided. The amount deposited to the credit of the 67 counties as above provided, which in no one fiscal year shall exceed nine percent of the amount of collections remaining after the payment of the expenses and charges herein first required to be paid, nor shall it in any

event exceed the sum of \$378,000.00 for any one fiscal year, shall be divided and distributed as follows: One half of said proceeds shall be divided and distributed proportionately among the 67 counties of the state according to the population of the said counties as shown by the last federal census as proclaimed, published or certified by the director of the bureau of the census; and one-half of said proceeds shall be divided or distributed equally among 67 counties; provided, that the funds divided and distributed to the several counties of the state as hereinabove provided for shall be used exclusively for full-time health service in cooperation with the state board of health or the federal government, and for extension services in cooperation with the Alabama agriculture extension service or the federal government, at the discretion of the county commissions of the several counties of the state. If the amounts of such collections in any fiscal year, after the payment of the expenses of administration and replacement of the amounts in the several funds as herein provided, is equal to \$4,200,000.00, then the sum of \$672,000.00 shall be paid into the treasury to the credit of the state department of public welfare to be used for general welfare purposes. If the amount of such collections in any fiscal year, remaining after the expenses of administration and the replacement of the amounts in the several funds derived from the state's six and one-half mills tax, as herein provided, is less than \$4,200,000.00, then an amount equal to 16 percent thereof shall be paid into the treasury to the credit of the state department of public welfare to be used for general welfare purposes. If the amount of such collections in any fiscal year, remaining after the payment of the expenses of administration and replacement of the amounts in the several funds as hereinabove provided and distributed, is greater than \$4,200,000.00, then an amount equal to one fourth of such excess shall be paid into the treasury to the credit of the state department of public welfare to be used for general welfare purposes; provided, that this one fourth of such excess shall not exceed the sum of \$650,000.00 per annum; and in addition there shall be paid on October 1, 1973 commencing on January 1, 1978, and on the first day of each fiscal quarter thereafter, to each county governing body electing to come under the food stamp program as may be the Department of Pensions and Security for a statewide, state administered food stamp program as authorized by the Food Stamp Act of 1964, Public Law 88-525, 88th Congress, and amendments thereto, an amount equal to four five percent of the value of coupons issued in such county statewide in excess of the amount paid by recipients (bonus or free stamps) during the immediate prior fiscal quarter, which sum so appropriated shall be a reimbursement to the general fund of such county paid quarterly to the Department of Pensions and Security Trust Fund for administration of the food stamp program in conformity with rules and regulations promulgated by the United States Department of Agriculture and in conformity with Sections 38-1-1 through 38-6-9, Code of Alabama 1975, and shall in no event exceed the cost expended by such county for administration of such program during such prior fiscal quarter such administrative funds shall be limited to and based on FY 1976-77 administrative costs, normal inflationary increases, and mandated administration requirements of the Alabama Legislature and the United States Department of Agriculture; the Department of Pensions and Security will not staff any county food stamp office at a level which exceeds the average staff-to-recipient ratios which existed in Alabama during fiscal year 1976-77. This restriction will apply in coordination with those provided hereinabove and, should conflict occur, the lesser amount of expenditure shall be required; at the end of each fiscal year an accounting shall be made of said sum so that any unexpended and unencum-

bered balance of funds may be determined for the purpose of paying such balance to the Alabama Special Educational Trust Fund. The amount of the proceeds of all taxes levied by this division remaining after the payment of the expenses of administration and enforcement and the replacement in the several funds of the amount lost by any homestead exemptions and the distribution to the counties as herein provided shall be paid into the Alabama special educational trust fund. In this division, 'general welfare purposes' means:

"(1) The administration of the public assistance as set out in sections 38-2-5 and 38-4-1;

"(2) Services, including supplementation and supplementary services under the Federal Social Security Act, to or on behalf of persons to whom such public assistance may be given under said section 38-4-1;

"(3) Services to and on behalf of dependent, neglected or delinquent children; and

"(4) Investigative and referral services to and on behalf of needy persons. (Acts 1959, 2nd Ex. Sess., No. 100, p. 298, § 32; Acts 1973, No. 823, p. 1289; Acts 1973, No. 1135, p. 1916.)"

Section 2. Upon passage of this act all responsibility of the food stamp program shall be transferred to the State Department of Pensions and Security.

Section 3. This act shall be effective retroactively to the first day of January, 1978.

Which was adopted.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Higginbotham, King, Little, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop.

—30

Nays:

—0

And said Bill, S. B. 356, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 29; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Powell, Proctor, Roberts, Stewart, Teague, Vacca, Waldrop.

—29

Nays:

—0

Mr. Pearson moved that the Senate reconsider the vote by which the Bill, S. B. 356, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

RESOLUTIONS

Messrs. Teague, Proctor, and Stewart offered the following Senate Joint Resolution, to-wit:

S. J. R. 394. CONGRATULATING MISS PRISCILLA GAINES, ALABAMA'S 1978 JUNIOR MISS.

WHEREAS, the Legislature of Alabama notes with pleasure that, on January 21, the lovely Miss Priscilla Shaw Gaines of Talladega County was named Alabama's Junior Miss for 1978; and

WHEREAS, this beautiful, talented and charming young lady is a Talladega High School senior who ranks first scholastically in a class of 200; she is a member of the National Honor Society and treasurer of her school's chapter, a member of Mu Alpha Theta national mathematics honor society, the Latin Club, and the Home Economics Club which she also serves as secretary; and

WHEREAS, Priscilla further has been a member of the student council, a varsity cheerleader for three years, is captain of the tennis team, member of the swimming team, and of the "T" Club, having lettered in athletics; she is an accomplished musician with many honors for both talent and beauty including first alternate, Talladega Queen of Hearts Pageant, runner-up for homecoming queen and, currently, "Miss FHA"; and

WHEREAS, she also has worked for two years as assistant to the guidance counselor at Talladega High and, in addition to her many school-related and academic pursuits, Priscilla's activities extend to deep involvement in the affairs of the First Baptist Church of which she is a member; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that we highly commend Miss Priscilla Gaines for outstanding achievement with congratulations for being selected Alabama Junior Miss and thereby our state's lovely and talented representative in national competition.

BE IT FURTHER RESOLVED, That copies of this resolution be presented to Miss Gaines and to her parents, Mr. and Mrs. Ralph D. Gaines, Jr., that they may know of our high praise and warm wishes for every future success.

On motion of Mr. Teague, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Perry offered the following Senate Joint Resolution, to-wit:

S. J. R. 395. COMMENDING THE CHARLES HENDERSON HIGH SCHOOL BAND, ALABAMA'S REPRESENTATIVE TO THE DOGWOOD ARTS FESTIVAL, KNOXVILLE, TENNESSEE.

WHEREAS, the Charles Henderson High School Band of Troy, Alabama, selected as one of the outstanding musical units in our state, has

accepted an invitation to represent the State of Alabama at the Dogwood Arts Festival Band Competition in Knoxville, Tennessee; and

WHEREAS, the Charles Henderson High School Band has long been a symbol of superior performance in marching and music, and has gained for the State of Alabama the reputation of developing in its young people a bountiful image of our state's future through youth of high moral character and fibre; and

WHEREAS, this outstanding group, under the able and talented leadership of Band Director William W. Hickman, has been named by Governor George C. Wallace an official representative of Alabama to the Dogwood Arts Festival Band Competition, and his personal ambassadors of good will from the citizens of Alabama to the people of Tennessee; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that we most heartily congratulate and highly commend the Charles Henderson High School Band for superior performance and on their selection by the Governor of Alabama to represent our state in Knoxville, Tennessee.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Principal William H. Gunter for appropriate school display, and a copy to Director William W. Hickman on behalf of all members of the band.

On motion of Mr. Perry, the Rules were suspended and the resolution was adopted by the Senate.

BILL RE-REFERRED

Mr. Jones, Chairman of the Standing Committee on State Government, reported that said committee, in session, had acted on the following bill, S. B. 670, and ordered same returned to the Senate with the recommendation that it be re-referred to another Committee.

And the President and Presiding Officer of the Senate ordered said Bill, S. B. 670, re-referred to the Standing Committee on Rules.

RESOLUTION

Mr. Waldrop offered the following Senate Joint Resolution, to-wit:

S. J. R. 396. MOURNING THE DEATH OF MR. LUKE J. SEWELL.

WHEREAS, the Alabama Legislature has been deeply saddened by the death of Mr. Luke J. Sewell in Gadsden, Alabama, on March 5, 1978, at the age of 79; and

WHEREAS, Mr. Sewell, a native of Calhoun County who had lived most of his life in Gadsden, was a graduate of Southwestern Theological Seminary in Fort Worth, Texas, and had served as minister of music at several large churches in Birmingham; he further served at one time as associate minister of Gadsden's Twelfth Street Baptist Church of which he was a member and where he taught the Men's Bible Class on a substitute basis; and

WHEREAS, some ten years ago, the Reverend Sewell founded the Luke Sewell Mercy Mission Foundation which, through the years, has provided for both the physical and spiritual needs of many persons; and

WHEREAS, he was beloved of family and friends and a man whose efforts and deeds were deeply appreciated by those in need and seeking help; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do grievously mourn and deeply regret the death of Luke J. Sewell of Gadsden; we extend our most heartfelt sympathy to his wife, Mrs. Gladys Hodges Sewell; to their sons, Shelley and Vanda Sewell; their daughter, Mrs. J. W. Coheley; and other family members to whom copies of this resolution shall be sent.

On motion of Mr. Waldrop, the Rules were suspended and the Resolution was adopted by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

S. 487. To regulate the practice of design, construction, or installation of heating and air conditioning equipment, and roofing and sheet metal; to create a regulatory board for such purpose; to provide for the officers, membership, duties, authority, meetings and terms of the board; to vest rule-making and examining authority and the power to levy fines in the board; to provide for certification fees and their disposition; to require contractors in the regulated trades to be certified and bonded; to exempt certain persons from certain provisions hereof; and to provide penalties for violation of this act.

was again taken up.

RECESS

At 11:55 P.M., on motion of Mr. Perloff, the Senate took a recess until 1:30 this afternoon.

The recess period having expired, the Senate was called to order by Lieutenant Governor Beasley. A quorum of the Senate was present.

FURTHER CONSIDERATION OF S. B. 487

The Senate proceeded to further consideration of the Bill, S. B. 487.

The question was on the amendment offered by Mr. Edwards, which said amendment is set out in the Journal of the Senate for the Fifteenth Legislative Day.

And said amendment was then adopted by the Senate.

Yeas 17; Nays 0.

Yeas:

Messrs. Adams, Bank, Edwards, Fine, Goodwin, Little, McDonald (A), McDonald (S), Mims, Mitchell, Noonan, Peden, Perloff, Proctor, Stewart, Teague, Vacca.

Nays:

—0

Mr. Edwards then offered the following amendment to the Bill, S. B. 487, as amended, to-wit:

AMENDMENT TO S. B. 487

Amend Senate Bil No. 487 Page 1 Line 37, by inserting after the word "material" the following language: "provided however nothing in this act shall apply to retail sellers of air conditioning, heating or roofing systems who do not install said systems themselves."

Which was adopted.

Yeas 15; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Fine, Higginbotham, King, Little, McDonald (S), Mims, Mitchell, Noonan, Peden, Perloff, Proctor.

—15

Nays:

—0

Mr. Edwards then offered the following amendment to the Bill, S. B. 487, as amended, to-wit:

AMENDMENT TO S. B. 487, AS AMENDED

Amend Senate Bill No. 487 Page 1 Line 34, by inserting after the word "individual", or any regular employed person for any . . .

Which was adopted.

Yeas 20; Nays 1.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Goodwin, Higginbotham, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Peden, Perloff, Powell, Proctor, St. John, Shelby.

—20

Nay: Mr. Fine

—1

Mr. Edwards then offered the following amendment to the Bill, S. B. 487, as amended, to-wit:

AMENDMENT TO S. B. 487, AS AMENDED

Amend Senate Bill No. 487 Page 2 Line 24, by striking out after the word "contractor", by this act for a period of not less than two years before the effective date hereof. . . .

And insert therein after the word "contractor" or regularly employed by a regulated contractor upon passage of this act. . . .

Which was adopted.

Yeas 23; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Gilmore, Goodwin, Higginbotham, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Peden, Perloff, Powell, St. John, Shelby, Stewart.

—23

Nays:

—0

Mr. Edwards then offered the following amendment to the Bill, S. B. 487, as amended, to-wit:

AMENDMENT TO S. B. 487, AS AMENDED

Amend Senate Bill No. 487 Page 3 Line 20, by inserting "when needed to assure financial stability" after the word "discretion"

Which was adopted.

Yeas 21; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Goodwin, King, Little, McDonald (A), McDonald (S), McMillan, Mitchell, Pearson, Peden, Perloff, Powell, St. John, Shelby, Stewart, Vacca.

—21

Nays:

—0

Mr. Edwards then offered the following amendment to the Bill, S. B. 487, as amended, to-wit:

AMENDMENT TO S. B. 487, AS AMENDED

Amend Senate Bill No. 487 Page 6 Line 26, by inserting after the word "corporation", No reissuance of certification shall be needed as a result of such severence.

Which was adopted.

Yeas 22; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Higginbotham, King, Little, McDonald (A), McDonald (S), McMillan, Mitchell, Noonan, Pearson, Peden, Perloff, Powell, St. John, Shelby, Stewart, Vacca.

—22

Nays:

—0

Mr. Edwards then offered the following amendment to the Bill, S. B. 487, as amended, to-wit:

AMENDMENT TO S. B. 487, AS AMENDED

Amend Senate Bill No. 487 Page 1 Line 37, by inserting the following at the end of Section 1(A): Contractors involved in the installation of residential roofing and related sheet metal materials shall be exempt from the provisions of this act.

Which was adopted.

Yeas 23; Nays 1.

Yeas:

Messrs. Baker, Bank, Clemon, Edwards, Fine, Gilmore, Higginbotham, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Pearson, Peden, Powell, Shelby, Stewart, Teague, Vacca.

—23

Nay: Mr. Adams

—1

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 204. To make an appropriation out of the State general fund to the Alabama Forestry Commission to pay salary increases granted personnel by the Legislature.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 331. HONORING DR. JAMES E. FOY UPON HIS RETIREMENT AS DEAN OF STUDENT AFFAIRS, AUBURN UNIVERSITY.

Also:

S. J. R. 336. A RESOLUTION HONORING THE MEMORY OF EARL CLAYTON PIPPIN.

Also:

S. J. R. 340. COMMENDING THE GRISSOM HIGH SCHOOL BAND FOR SUPERIOR PERFORMANCE AND HONORS RECEIVED.

Also:

S. J. R. 342. COMMENDING REX THOMAS FOR HIS 35 YEARS OF SERVICE WITH THE ASSOCIATED PRESS.

Also:

S. J. R. 344. MOURNING THE DEATH OF DR. GEORGE B. HALLIDAY, PROMINENT BAY MINETTE PHYSICIAN.

Also:

S. J. R. 346. MOURNING THE DEATH OF SAMUEL CLAY PRUETTE, FORMER MAYOR OF BAY MINETTE.

Also:

S. J. R. 352. HONORING PEARLE E. GAMMELL, RECENTLY INDUCTED INTO THE ALABAMA NEWSPAPER HALL OF HONOR.

Also:

S. J. R. 358. HONORING DR. BOB BARKER, SR., PASTOR, CHICKASAW FIRST BAPTIST CHURCH.

Also:

S. J. R. 364. LAMENTING THE PLIGHT OF THE AMERICAN FARMER AND CALLING FOR SPECIFIC REMEDIAL MEASURES ON THE PART OF CONGRESS, THE PRESIDENT AND HIS ADMINISTRATION.

Also:

S. J. R. 365. HONORING SENATOR LISTER HILL, DISTINGUISHED ALABAMIAN AND MEMBER OF THE UNITED STATES CONGRESS FOR 46 YEARS.

Also:

S. J. R. 367. MOURNING THE DEATH OF MR. SAM H. WHEAT.

Also:

S. J. R. 369. WISHING A SPEEDY RECOVERY TO FORMER GOVERNOR JAMES E. "BIG JIM" FOLSOM.

JOHN W. PEMBERTON,
Clerk.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, respectively, and finds same correctly enrolled, to-wit:

S. 204. To make an appropriation out of the State general fund to the Alabama Forestry Commission to pay salary increases granted personnel by the Legislature.

U. W. CLEMON,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing report from the Committee on Rules.

FURTHER CONSIDERATION OF S. B. 487

The Senate proceeded to further consideration of the Bill, S. B. 487, as amended.

Mr. Baker offered the following amendment to the Bill, S. B. 487, as amended, to-wit:

AMENDMENT TO S. B. 487, AS AMENDED

Amend Senate Bill No. 487 Page 7 and 8 by striking out Section 14 in its entirety and by renumbering the remaining sections accordingly.

Mr. Fine moved that said amendment be laid on the table, which motion was lost.

Yeas 13; Nays 14.

Yeas:

Messrs. Adams, Bank, Clemon, Ellis, Fine, Gilmore, Jones, King, McDonald (S), Pearson, Proctor, Shelby, Teague.

—13

Nays:

Messrs. Baker, Edwards, Little, McDonald (A), McMillan, Miller, Mitchell, Noonan, Perry, Powell, St. John, Stewart, Vacca, Waldrop.

—14

And said amendment was then lost.

Yeas 15; Nays 16.

Yeas:

Messrs. Baker, Edwards, Higginbotham, Little, McDonald (A), McMillan, Miller, Mitchell, Noonan, Perry, Powell, St. John, Shelby, Vacca, Waldrop.

—15

Nays:

Messrs. Adams, Clemon, Ellis, Fine, Gilmore, Goodwin, Jones, King, McDonald (S), Owen, Pearson, Peden, Perloff, Proctor, Stewart, Teague.

—16

Mr. Baker then moved that further consideration of the Bill, S. B. 487, as amended, be postponed until the next Legislative Day.

REPORT FROM RULES

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 397. DESIGNATING THE TENTH ANNUAL MILLBROOK FESTIVAL, TO BE HELD MAY 20, 1978, THE OFFICIAL MONTGOMERY AREA ARMED FORCES DAY CELEBRATION.

On motion of Mr. Fine, said Resolution was then concurred in and adopted by the Senate.

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 439. NOTING THE OCCASSION OF MR. E. E. LABARRE'S 100TH BIRTHDAY.

On motion of Mr. Fine, said Resolution was then concurred in and adopted by the Senate.

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 442. COMMENDING DR. JAMES E. WALKER, LEE COUNTY PHYSICIAN.

On motion of Mr. Fine, said Resolution was then concurred in and adopted by the Senate.

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 441. COMMENDING POLICE CHIEF WILLIAM J. TRUSSELL, JR., OPELIKA EXCHANGE CLUB'S OFFICER OF THE YEAR.

On motion of Mr. Fine, said Resolution was then concurred in and adopted by the Senate.

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 440. MOURNING THE DEATH OF COACH SAM MASON OF OPELIKA, ALABAMA.

On motion of Mr. Fine, said Resolution was then concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Biddle, McCorquodale, Gafford, Manley and Owens:

H. 137. To make an appropriation to the various public school systems of the state from the Special Educational Trust Fund for the purpose of libraries in the public elementary and secondary schools.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 137. To the Committee on Finance and Taxation.

FURTHER CONSIDERATION OF S. B. 487

The Senate proceeded to further consideration of the Bill, S. B. 487, as amended.

The question was on the motion of Mr. Baker that further consideration of the Bill, S. B. 487, be postponed until the next Legislative Day.

Mr. Fine moved that the motion to postpone be laid on the table, and the motion to table was lost.

Yeas 8; Nays 16.

Yeas:

Messrs. Adams, Ellis, Fine, Gilmore, Owen, Peden, Perloff, Teague.

—8

Nays:

Messrs. Baker, Edwards, Jones, Little, McDonald (A), McDonald (S), McMillan, Miller, Noonan, Perry, Proctor, St. John, Shelby, Stewart, Vacca, Waldrop.

—16

REPORT FROM RULES

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 86. COMMENDING THE GARDENDALE ROCKETTES, DIXIE DEBS WORLD SERIES SOFTBALL CHAMPIONS.

On motion of Mr. Fine, said Resolution was then concurred in and adopted by the Senate.

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 398. HONORING JUDGE J. PAUL MEEKS UPON HIS RETIREMENT AS JUDGE OF PROBATE IN JEFFERSON COUNTY.

On motion of Mr. Fine, said Resolution was then concurred in and adopted by the Senate.

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit;

H. J. R. 389. MOURNING THE DEATH OF ALBERT BURTON BOUTWELL.

On motion of Mr. Fine, said Resolution was then concurred in and adopted by the Senate.

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 376. COMMENDING THE BIRMINGHAM JUNIOR LEAGUE FOR THEIR PART IN THE SUCCESS OF THE BIRMINGHAM INTERNATIONAL INDOOR TENNIS TOURNAMENT.

On motion of Mr. Fine, said Resolution was then adopted by the Senate.

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 19. COMMENDING AND CONGRATULATING THE HOOVER RAIDERS SIXTY-FIVE POUNDERS.

On motion of Mr. Fine, said Resolution was then concurred in and adopted by the Senate.

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 62. COMMENDING MR. SLOAN BASHINSKY, SR., AND GOLDEN FLAKE ON THE 50TH ANNIVERSARY OF THIS TREMENDOUSLY SUCCESSFUL DOMESTIC COMPANY.

On motion of Mr. Fine, said Resolution was then concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Messrs. Weeks and McNeese:

H. J. R. 481. COMMENDING SUSAN CUNNINGHAM FOR OUTSTANDING ATHLETIC ACHIEVEMENT.

Also:

H. J. R. 482. COMMENDING AND CONGRATULATING THE WINFIELD CITY HIGH SCHOOL'S GIRLS BASKETBALL TEAM, 1978 2A CHAMPIONS.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolutions, H. J. R.'s 481 and 482, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Messrs. Crawford and Sasser:

H. J. R. 477. CONGRATULATING TAYLOR HART OF EUFAULA HIGH SCHOOL, NAMED MOST VALUABLE PLAYER IN STATE TOURNAMENT PLAY.

Also:

By Messrs. Crawford and Sasser:

H. J. R. 478. CONGRATULATING EUFAULA HIGH SCHOOL, 1978 STATE 3A BASKETBALL CHAMPIONS.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolutions, H. J. R.'s 477 and 478, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

REPORT FROM RULES

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 412. OPPOSING THE PETITION NOW BEFORE THE

FEDERAL COMMUNICATIONS COMMISSION TO REMOVE VHF TELEVISION CHANNEL 12 FROM MONTGOMERY TO COLUMBUS, GEORGIA.

On motion of Mr. Jones, said Resolution was then concurred in and adopted by the Senate.

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 409. COMMENDING THE CHARLES HENDERSON HIGH SCHOOL BAND, ALABAMA'S REPRESENTATIVE TO THE DOGWOOD ARTS FESTIVAL, KNOXVILLE, TENNESSEE.

On motion of Mr. Fine, said Resolution was then concurred in and adopted by the Senate.

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 3. MOURNING THE DEATH OF MAJOR HARWELL G. DAVIS.

On motion of Mr. McMillan, said Resolution was then adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Mr. Baker:

H. J. R. 402. COMMENDING TERRY BINION, SELECTED FOR MEMBERSHIP IN THE NATIONAL HIGH SCHOOL HONORS BAND.

Also:

By Mr. Starkey:

H. J. R. 403. CONGRATULATING MR. WILLIE STEWART, NAMED "PANTHER OF THE YEAR."

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolutions, H. J. R.'s 402 and 403, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Messrs. Kennedy and Buskey:

H. J. R. 394. MOURNING THE DEATH OF MR. CLARENCE ELBERT MOSES OF MOBILE, ALABAMA.

Also:

By Messrs. Kennedy and Buskey:

H. J. R. 395. MOURNING THE DEATH OF DR. MAYNARD VIVIAN FOSTER, PROMINENT PHYSICIAN.

Also:

By Messrs. Kennedy and Buskey:

H. J. R. 396. CONGRATULATING ANDREW G. HILDRETH ON HIS PROMOTION TO CHIEF OF POLICE, PRICHARD, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolutions, H. J. R.'s 394, 395 and 396, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Johnstone:

H. J. R. 109. MOURNING THE DEATH OF NEAL ANDERSON COLLINS OF MOBILE, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 109, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, and House Joint Resolution, your signature thereto is requested.

H. 431. To authorize any town or city in the State of Alabama to plan, establish, develop, acquire, construct, enlarge, improve, maintain, equip, operate, regulate and protect any building, structure, land, leasehold estate, interest in land, right of way, equipment or instrumentality used or useful in connection with construction, equipping, development, maintenance or operation of any area or building for off-street parking of motor vehicles (de-

financed as parking facilities), to finance the cost of parking facilities in whole or in part by the issuance of bonds, warrants, notes or other evidences of indebtedness maturing at such time or times as the Governing Body of the town or city may determine, not exceeding thirty years from their respective dates; to pledge to the payment thereof its full faith and credit and any tax, license or revenues which the town or city may then be authorized to pledge to the payment of bonded or other indebtedness; to lease or let parking facilities or any one or more of them to such tenant or tenants for such periods and for such compensation or rental and on such conditions as the governing body of the town or city may prescribe; to fix, establish, collect and alter parking fees, tolls, rents and other charges for the use of any parking facility; to make and enforce rules and regulations governing the use of any parking facilities owned or operated by the town or city and to execute such contracts and other instruments and to take such other action as the governing body of the town or city may deem necessary or convenient in connection with parking facilities.

Also:

H. J. R. 427. MOURNING THE TRAGIC AND UNTIMELY DEATH OF WILLIAM JAMES TURMAN, JR.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, and House Joint Resolution, the titles of which are set out in the foregoing Message from the House.

FURTHER CONSIDERATION OF S. B. 487

The Senate proceeded to further consideration of the Bill, S. B. 487, as amended.

The question was on the motion of Mr. Baker that further consideration of the Bill, S. B. 487, be postponed until the next Legislative Day.

And said motion was then lost.

Mr. Baker then offered the following amendment to the Bill, S. B. 487, as amended, to-wit:

AMENDMENT TO S. B. 487, AS AMENDED

Amend Senate Bill No. 487 Page 7, by striking out the present Section 14 and by substituting the following:

Section 14. The Board shall meet in regular session to perform its lawful duties at least once in each calendar month.

Also by deleting the present Section 15 on page 8 and by renumbering the remaining sections accordingly.

Which was adopted.

Yeas 25; Nays 1.

Yeas:

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, Little, McDonald (A), McDonald (S), Miller, Mims, Mitchell, Noonan, Peden, Perloff, Perry, Powell, Proctor, St. John, Shelby, Vacca.

—25

Nay: Mr. Teague

—1

Messrs. Perloff and Fine offered the following amendment to the Bill, S. B. 487, as amended, to-wit:

SENATE AMENDMENT TO S. B. 487, AS AMENDED

Amend Senate Bill 487, Page 3, Section 7, Line 28 by deleting the word "six" and inserting in lieu thereof "seven".

Further amend Senate Bill 487, Page 4, Line 12 by adding after the word "contractor" the following: "and one member who shall be selected from organized labor and who shall be appointed by the Lieutenant Governor for an initial term of three years".

Which was adopted.

Yeas 23; Nays 1.

Yeas:

Messrs. Adams, Clemon, Edwards, Ellis, Fine, Goodwin, Higginbotham, Jones, Little, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Peden, Perloff, Proctor, St. John, Shelby, Stewart, Teague, Vacca.

—23

Nay: Mr. Baker

—1

And said Bill, S. B. 487, as thus amended, was read a third time at length and passed.

Yeas 16; Nays 10.

Yeas:

Messrs. Adams, Clemon, Edwards, Ellis, Fine, Goodwin, Jones, McDonald (S), Miller, Mims, Peden, Perloff, Proctor, St. John, Teague, Vacca.

—16

Nays:

Messrs. Baker, Higginbotham, Little, McDonald (A), McMillan, Mitchell, Powell, Shelby, Stewart, Waldrop.

—10

RESOLUTION

Mr. Mims offered the following Senate Joint Resolution, to-wit:

S. J. R. 397. CONGRATULATING ROBERT C. COLEY, GRAND MASTER OF MASONS IN ALABAMA.

WHEREAS, the Legislature of Alabama has noted the elevation of Robert C. Coley to the exalted office of Grand Master of the Grand Lodge of Free and Accepted Masons of the State of Alabama on November 23, 1977; and

WHEREAS, Robert Charles Coley, who is a native of Tarrant City in Jefferson County, Alabama, is a graduate of Mobile's Murphy High School; he attended Howard College and the University of Alabama, served in the United States Army during the Korean Conflict and, for more than 20 years, has been a U. S. Government civilian employee, currently with the Naval Education and Training Command in Pensacola, Florida; and

WHEREAS, his Masonic career began with his initiation in 1954 and, in 1962-1963, he served as his chapter's Worshipful Master; his service in the Grand Lodge began in November, 1964, with appointment to committee membership, followed by appointment as District Lecturer and later as Assistant District Lecturer of District 32; and

WHEREAS, in November, 1972, he received appointment as the First District Lecturer of the newly-created District 33, later to serve Group 7 as a Member of the Committee on Work until his election as Senior Grand Warden of the Grand Lodge in 1975; he advanced to Deputy Grand Master in 1976 and, this past November, was elevated to the exalted office he now holds; and

WHEREAS, Grand Master Coley, who is a member of the Mobile York Rite Bodies, St. Bernard Conclave, Red Cross of Constantine, and of Abba Temple Shrine in Mobile, received the Scottish Rite degrees in 1960, served as Venerable Master of the Mobile Lodge of Perfection in 1968 and in 1973 was honored with the rank and decoration of Knight Commander of the Court of Honour by the Scottish Rite Supreme Council; and

WHEREAS, further, he is a member of Hollinger's Island Chapter No. 480, Order of the Eastern Star, serving as Worthy Patron in 1976-77, and has been elected to membership in Wisteria Court No. 6, Order of Amaranth, in Mobile; he is a Charter Member and Past President of the Alabama Masonic Historical Society, Past President of the Mobile County Masonic Breakfast Club; Charter Member of the Mobile County Masters and Wardens Club and Albert J. Yount Chapter No. 511, National Sojourners, Inc., and is also an Honorary Member of the Grand Lodge of F&AM of Florida and the Florida Lodge of Masonic Research; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Robert C. Coley on his distinguished Masonic Career with hearty congratulations on his present exalted office of Grand Master of Masons in Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Grand Master Coley that he and his wife, Kitty, and their son, Dan, may know of our admiration, congratulatory praise and esteem.

Which was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING RESUMED

The Bill:

H. 160. To authorize and direct the Cullman County Commission to

levy and provide for the collection of an additional tax on motor fuels, and to provide for distribution and use of the proceeds from the tax.

was taken up.

Mr. St. John offered the following amendment to the Bill, H. B. 160, to-wit:

AMENDMENT TO H. B. 160

Amend H. 160 as follows:

On page 1, line 19, by inserting, after the word "tax," the following language:

and providing that the effectiveness hereof shall be contingent upon the enactment and ratification of S. 346, 1978 Regular Session, which would return responsibility for construction and maintenance of county roads to Cullman County.

On page 2, lines 33, 34 and 35 by striking out Section 6 entirely and inserting in lieu thereof the following new section:

Section 6. This Act shall become effective on January 15, 1979, provided Senate Bill 346 of the 1978 Regular Session is approved by a majority of the electors of Cullman County voting at the referendum election provided for in such bill. If the bill is not enacted, or is enacted but the provisions thereof are not approved at said referendum election, then this Act shall be null and void.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Jones, King, Little, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, St. John, Shelby, Stewart, Teague, Vacca, Waldrop.

—25

Nays:

—0

Mr. St. John then offered the following amendment to the Bill, H. B. 160, as amended, to-wit:

AMENDMENT TO H. B. 160, AS AMENDED

On page 1, line 26, insert after the word and symbol "gasoline," the following:

diesel oil,

On page 2, line 25, insert after the word "of" the following language:
repairing, maintaining,

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Jones, King, Little, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, St. John, Shelby, Stewart, Teague, Vacca, Waldrop.

—25

Nays:

—0

And said Bill, H. B. 160, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Jones, King, Little, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, St. John, Shelby, Stewart, Teague, Vacca, Waldrop.

—25

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Merrill, Naramore and Crowe:

H. 442. To make appropriations for the support and maintenance of the Walker County Junior College.

Also:

By Mr. Turnham:

H. 486. To make appropriations for the support and maintenance of they Lyman Ward Military Academy for the fiscal year ending September 30, 1979.

Also:

By Mr. Merrill:

H. 249. To make appropriations for the support and maintenance of the Marion Military Institute.

Also:

By Messrs. Merrill and McCluskey:

H. 451. To make appropriations for the support and maintenance of the Talladega College.

Also:

By Messrs. Merrill and Reed:

H. 452. To make appropriations for the support and maintenance of the Tuskegee Institute.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B. 's 442, 486, 249, 451, and 452. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 19. COMMENDING AND CONGRATULATING THE HOOVER RAIDERS SIXTY-FIVE POUNDERS.

Also:

H. J. R. 62. COMMENDING MR. SLOAN BASHINSKY, SR., AND GOLDEN FLAKE ON THE 50TH ANNIVERSARY OF THIS TREMENDOUSLY SUCCESSFUL DOMESTIC COMPANY.

Also:

H. J. R. 86. COMMENDING THE GARDENDALE ROCKETTES, DIXIE DEBS WORLD SERIES SOFTBALL CHAMPIONS.

Also:

H. J. R. 389. MOURNING THE DEATH OF ALBERT BURTON BOUTWELL.

Also:

H. J. R. 397. DESIGNATING THE TENTH ANNUAL MILLBROOK FESTIVAL, TO BE HELD MAY 20, 1978, THE OFFICIAL MONTGOMERY AREA ARMED FORCES DAY CELEBRATION.

Also:

H. J. R. 398. HONORING JUDGE J. PAUL MEEKS UPON HIS RETIREMENT AS JUDGE OF PROBATE IN JEFFERSON COUNTY.

Also:

H. J. R. 409. COMMENDING THE CHARLES HENDERSON HIGH SCHOOL BAND, ALABAMA'S REPRESENTATIVE TO THE DOGWOOD ARTS FESTIVAL, KNOXVILLE, TENNESSEE.

Also:

H. J. R. 412. OPPOSING THE PETITION NOW BEFORE THE FEDERAL COMMUNICATIONS COMMISSION TO REMOVE VHF TELEVISION CHANNEL 12 FROM MONTGOMERY TO COLUMBUS, GEORGIA.

Also:

H. J. R. 439. NOTING THE OCCASION OF MR. E. E. LABARRE'S 100TH BIRTHDAY.

Also:

H. J. R. 440. MOURNING THE DEATH OF COACH SAM MASON OF OPELIKA, ALABAMA.

Also:

H. J. R. 441. COMMENDING POLICE CHIEF WILLIAM J. TRUSSELL, JR., OPELIKA EXCHANGE CLUB'S OFFICER OF THE YEAR.

Also:

H. J. R. 442. COMMENDING DR. JAMES E. WALKER, LEE COUNTY PHYSICIAN.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Merrill:

H. 244. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, and for interest on the public debt and for the public schools for the fiscal year beginning October 1, 1978.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 244. To the Committee on Finance and Taxation.

FURTHER CONSIDERATION OF S. B. 359

The Senate proceeded to further consideration of the Bill, S. B. 359, as amended.

The question was on the amendment offered by Mr. McDonald (S), which said amendment is set out in the Journal of the Senate for the Sixteenth Legislative Day.

On motion of Mr. Clemon, said amendment was laid on the table.

Mr. Goodwin offered the following amendment to the Bill, S. B. 359, as amended, to-wit:

AMENDMENT TO S. B. 359, AS AMENDED

Amend Senate Bill 359 by deleting Governor on Line 14 of Section 6 on page 3 by inserting in lieu thereof State Superintendent of Education.

Also, by deleting state bar association on line 16 by inserting in lieu thereof State Tenure Commission.

Also, by deleting Governor on line 20 by inserting thereof State Superintendent of Education.

Also, by deleting Governor on line 27 of Section 8 by inserting in lieu thereof State Superintendent of Education.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Messrs. Tucker and Hilliard:

H. J. R. 484. CONGRATULATING NORTH BIRMINGHAM'S G. W. CARVER HIGH SCHOOL, 1978 STATE 4A BASKETBALL CHAMPIONS.

Also:

By Messrs. Tucker and Jackson (R):

H. J. R. 485. CONGRATULATING STUDENTS OF G. W. CARVER HIGH SCHOOL, NORTH BIRMINGHAM, NAMED TO THE ALL-CITY HIGH SCHOOL SCHOLASTIC BASKETBALL SQUAD.

Also:

By Mr. Tucker:

H. J. R. 486. CONGRATULATING STUDENTS OF C. W. HAYES HIGH SCHOOL, AVONDALE, NAMED TO THE ALL-CITY HIGH SCHOOL SCHOLASTIC BASKETBALL SQUAD.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolutions, H. J. R.'s 484, 485, and 486, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

MOTION TO ADJOURN LOST

At 7:45 P.M., Mr. McDonald (S) moved that the Senate adjourn until 12 o'clock Noon, Tuesday, March 21, 1978, which motion was lost.

FURTHER CONSIDERATION OF S. B. 359

The Senate proceeded to further consideration of the Bill, S. B. 359, as amended.

The question was on the amendment offered by Mr. Goodwin.

On motion of Mr. Clemon, said amendment was laid on the table.

Mr. McDonald (S) offered the following substitute for the Bill, S. B. 359, as amended, to-wit:

SUBSTITUTE FOR S. B. 359, AS AMENDED

A BILL
TO BE ENTITLED
AN ACT

To provide for fair dismissal procedures for certain non-professional employees of city and county school boards; to provide for and establish a review function by boards of education relating to said employees; and to provide for judicial review of the decisions made in the review function of said boards.

Be It Enacted by the Legislature of Alabama:

Section 1. The term "employees", as used in this Act, is deemed to mean and include all persons employed by county and city boards of education as bus drivers, lunchroom or cafeteria workers, maids and janitors, custodians, and maintenance personnel.

Section 2.

(a) All employees are defined in Section 1 of this Act shall be deemed employed on a probationary status for a period not to exceed eighteen months from the date of his or her employment, or a lesser period which may be fixed by the employing board.

(b) During said probationary period the employing authority shall cause the employee's performance to be evaluated.

(c) At any time during the employee's probationary period, the employing authority may remove an employee by furnishing said employee written notification 15 days prior to the effective day of termination.

Section 3. Upon the completion by the employee of said probationary period, said employee shall be deemed employed on a permanent status and said employee's employment shall thereafter not be terminated except for good cause shown. The State Board of Education shall issue criteria describing "good cause" to all boards of education on or before the effective date of this act. Such criteria shall be the basis of all review prescribed by this act. But provided termination shall not be made for political or personal reasons on the part of any party recommending or approving said termination.

Section 4. The contract of employment of a permanent employee may be cancelled only in the following manner:

(a) The employing authority shall cause written notification to be served by United States registered or certified mail with postage prepaid to the employee's last known work address stating in detail the reason or reasons for the proposed cancellation and further notifying said employee of his or her right to demand a hearing to contest said proposed cancellation before the school board as hereinafter provided for in this Act.

(b) The employee so notified may contest such action by giving written notification of his or her demand for a hearing to the school board within 15 days of receipt of the notification of the proposed cancellation.

(c) If said notification is not given by the employee as prescribed in Section 4(b) of this Act, the employee's contract shall be deemed cancelled as proposed and the decision of the employing authority shall be final.

(d) Within 15 days of receipt of notification of an employee's demand to contest his or her proposed cancellation, the school board will conduct a hearing and notify the employee at least 5 days prior to said hearing of the exact date, time and place so set for the hearing.

(e) At said hearing, which shall be public, or private should the employee or board so demand, each party shall have the right to appear with or without counsel and shall have the right to be heard and to present the testimony or witnesses and other evidence bearing upon the reasons for the proposed cancellation and shall have the right to cross-examine adverse witnesses. The school board shall make its findings and decision within 10 days of the hearing and shall notify the employee of same forthwith.

Section 5. The findings and decision of the school board, if made in compliance with the provisions of this Act, shall be final and conclusive. Whether the decision of the school board complies and is consistent with provisions of this Act and whether such action is unjust may be reviewed in the circuit court where said employing authority is located.

Section 6. If any section, clause, provision or portion of this Act shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this Act which is not in and of itself valid or unconstitutional.

Section 7. All laws or parts of laws inconsistent or in conflict with the provisions of this Act are hereby expressly repealed.

Section 8. This Act shall become effective September 1, 1978 upon its passage and approval by the Governor or upon its otherwise becoming law.

Mr. Owen moved that further consideration of the Bill, S. B. 359, as amended, and pending substitute, be postponed until the next Legislative Day as Unfinished Business, to be voted on at 12 o'clock Noon, which motion was adopted.

The Bill:

S. 393. To authorize any town or city in the State of Alabama to plan, establish, develop, acquire, construct, enlarge, improve, maintain, equip, operate, regulate and protect any building, structure, land, leasehold estate,

interest in land, right of way, equipment or instrumentality used or useful in connection with construction, equipping, development, maintenance or operation of any area or building for off-street parking of motor vehicles (defined as parking facilities), to finance the cost of parking facilities in whole or in part by the issuance of bonds, warrants, notes or other evidences of indebtedness maturing at such time or times as the Governing Body of the town or city may determine, not exceeding thirty years from their respective dates; to pledge to the payment thereof its full faith and credit and any tax, license or revenues which the town or city may then be authorized to pledge to the payment of bonded or other indebtedness; to lease or let parking facilities or any one or more of them to such tenant or tenants for such periods and for such compensation or rental and on such conditions as the governing body of the town or city may prescribe; to fix, establish, collect and alter parking fees, tolls, rents and other charges for the use of any parking facility; to make and enforce rules and regulations governing the use of any parking facilities owned or operated by the town or city and to execute such contracts and other instruments and to take such other action as the governing body of the town or city may deem necessary or convenient in connection with parking facilities.

was taken up.

On motion of Mr. Peden, further consideration of the Bill, S. B. 393, was postponed temporarily.

The Bill:

S. 71. To name the auditorium scheduled for construction at Southern Union State Junior College in Wadley, Randolph County, Alabama, "The Tom Brazeal Auditorium."

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

Yeas:

Messrs. Adams, Clemon, Fine, Gilmore, Jones, Little, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Owen, Pearson, Peden, Powell, Proctor, Shelby, Teague, Vacca, Waldrop.

—21

Nays:

—0

Mr. McDonald (S) requested and received unanimous consent that his name be added as co-sponsor of the above Bill, S. B. 71.

The Bill:

S. 179. To amend Section 40-18-20 of the Code of Alabama 1975, relating to a state income tax exemption for military retirement benefits so as to provide further for such exemption.

was taken up.

Mr. Teague offered the following substitute for the Bill, S. B. 179, to-wit:

SUBSTITUTE FOR S. B. 179

A BILL
TO BE ENTITLED
AN ACT

To amend Section 40-18-20 of the Code of Alabama 1975, relating to a state income tax exemption for military retirement benefits so as to provide further for such exemption.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-18-20 of the Code of Alabama 1975 is hereby amended to read as follows:

"§ 40-18-20. The first \$4,750.00 retirement or compensation received as retirement benefit from the military services by any person retired from the military services of the United States of America and survivor benefits derived therefrom is hereby exempt from any state, county or municipal income tax or like tax by whatever name called. Provided, however, that all retirement income and such benefits derived therefrom, which is received by either such person who has reached the age of 60 years or such person who, regardless of age, has no income from other employment, shall be exempt from said income taxes."

Section 2. The provisions of this act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law and shall apply to all such income and benefits received in 1978 and each year thereafter.

Which was adopted.

Yeas 20; Nays 0.

Abstaining 2.

Yeas:

Messrs. Adams, Clemon, Fine, Jones, Little, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perry, Powell, Proctor, Shelby, Teague, Vacca.

—20

Nays:

—0

Abstaining: Messrs. Gilmore, Higginbotham

—2

And said Bill, S. B. 179, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 1.

Abstaining 2.

Yeas:

Messrs. Adams, Clemon, Fine, Jones, Little, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Peden, Perry, Powell, Proctor, Shelby, Teague, Vacca.

—20

Nay: Mr. Waldrop —1

Abstaining: Messrs. Gilmore, Pearson —2

MOTION TO ADJOURN LOST

At 8:20 P.M., Mr. Teague moved that the Senate adjourn until Tuesday, March 21, 1978, at 10 o'clock A.M., which motion was lost.

Yeas 10; Nays 12.

Yeas:

Messrs. Adams, Fine, McDonald (A), McDonald (S), McMillan, Mitchell, Owen, Peden, Shelby, Teague.

—10

Nays:

Messrs. Gilmore, Higginbotham, Jones, Little, Miller, Mims, Pearson, Perry, Powell, Proctor, Vacca, Waldrop.

—12

ADJOURNMENT

At 8:25 P.M., on motion of Mr. Fine, in accordance with Joint Resolution heretofore adopted, and pending further consideration of S. B. 359, the Senate adjourned until Tuesday, March 21, 1978, at 11:45 A.M.

Yeas 12; Nays 11.

Yeas:

Messrs. Adams, Clemon, Fine, McDonald (A), McDonald (S), McMillan, Mitchell, Owen, Pearson, Peden, Shelby, Teague.

—12

Nays:

Messrs. Gilmore, Higginbotham, Jones, Little, Miller, Mims, Perry, Powell, Proctor, Vacca, Waldrop.

—11

EIGHTEENTH LEGISLATIVE DAY

TUESDAY, MARCH 21, 1978

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

PRAYER

The Session was opened with prayer by the Reverend James E. Jones, Pastor, Eastern Hills Baptist Church, Montgomery, Alabama.

QUORUM

The President and Presiding Officer of the Senate declared that a quorum of the Senate was present.

JOURNAL

On motion of Mr. Clemon, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Seventeenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

U. W. CLEMON,
Chairman.

COMMITTEE REPORT

On motion of Mr. Clemon, the foregoing report was concurred in and the Journal of the Senate for the Seventeenth Legislative Day was approved by the Senate.

RESOLUTION

Mr. Clemon offered the following Senate Resolution, to-wit:

S. R. 398. Shall the Senate of Alabama adhere to Title 36-9-2 of the Code of Alabama of 1975* relative to the seat for Senate District 25?

*The said statute provides:

"When any person holding any office or place under the authority of this state is sentenced by any court of the United States, of this state or of any other state to imprisonment in the penitentiary or hard labor for the county, his office or place shall be vacated from the time of the sentence. If the judgment is reversed, he shall be restored to office; but, if pardoned, he shall not be restored to office."

Mr. Baker offered the following substitute for the Resolution, S. R. 398, to-wit:

SUBSTITUTE FOR S. R. 398

Substitute for Resolution No. 398 the following:

Be it Resolved by the Senate of Alabama:

Shall Senator E. C. Foshee be restored to the office of State Senator from the 25th district of Alabama in the place of Senator Wallace Miller?

Which was adopted.

Yeas 29; Nays 0.

Abstaining 1.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore,

Higginbotham, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Mitchell, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, St. John, Stewart, Teague, Vacca, Waldrop, Wilson.

—29

Nays:

—0

Abstaining: Mr. Goodwin

—1

And said Resolution, S. R. 398, as thus amended by the substitute, was adopted by the Senate.

Yeas 29: Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Mitchell, Owen, Pearson, Peden, Perloff, Powell, Proctor, St. John, Stewart, Teague, Vacca, Waldrop, Wilson.

—29

Nays:

—0

STATEMENT BY THE PRESIDING OFFICER

The President and Presiding Officer of the Senate declared that, in accordance with Section 36-9-2, Code of Alabama, 1975, and S. R. 398, Senator E. C. Foshee is restored to the office of Senator for District #25.

Whereupon the Secretary was instructed to call the roll:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—35

RESOLUTION

Messrs. Perry, Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, and Wilson offered the following Senate Resolution, to-wit:

S. R. 399. EXPRESSING APPRECIATION TO SENATOR WALLACE MILLER FOR HIS STATESMANSHIP AND FRIENDSHIP.

WHEREAS, It has been our privilege to know and work with Senator Wallace Miller for the last several sessions of this term; and

WHEREAS, Senator Miller, a skilled veterinarian and businessman, quickly learned the skill of statesmanship, proving himself to be a man of great integrity and courage; and

WHEREAS, Senator Miller is held in high esteem in his district, and his career in the Senate has extended statewide this reputation for honesty and statesmanship; and

WHEREAS, In addition to the high respect which we feel for Senator Miller, we also feel deep affection for him; his friendliness and good humor have added much to the Senate's fellowship; now, therefore,

BE IT RESOLVED BY THE SENATE That we do, by this resolution, extend the hand of friendship, gratitude, and deep affection to Senator Wallace Miller; we are proud to call him friend, and hope that our friendship continues.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Senator Miller.

On motion of Mr. Perry, the Rules were suspended and the Resolution was adopted by the Senate.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 331. HONORING DR. JAMES E. FOY UPON HIS RETIREMENT AS DEAN OF STUDENT AFFAIRS, AUBURN UNIVERSITY.

Also:

S. J. R. 336. A RESOLUTION HONORING THE MEMORY OF EARL CLAYTON PIPPIN.

Also:

S. J. R. 340. COMMENDING THE GRISSOM HIGH SCHOOL BAND FOR SUPERIOR PERFORMANCE AND HONORS RECEIVED.

Also:

S. J. R. 342. COMMENDING REX THOMAS FOR HIS 35 YEARS OF SERVICE WITH THE ASSOCIATED PRESS.

Also:

S. J. R. 346. MOURNING THE DEATH OF SAMUEL CLAY PRUETTE, FORMER MAYOR OF BAY MINETTE.

Also:

S. J. R. 352. HONORING PEARLE E. GAMMELL, RECENTLY INDUCTED INTO THE ALABAMA NEWSPAPER HALL OF HONOR.

Also:

S. J. R. 358. HONORING DR. BOB BARKER, SR., PASTOR, CHICKASAW FIRST BAPTIST CHURCH

Also:

S. J. R. 344. MOURNING THE DEATH OF DR. GEORGE B. HAL-
LIDAY, PROMINENT BAY MINETTE PHYSICIAN.

Also:

S. J. R. 364. LAMENTING THE PLIGHT OF THE AMERICAN
FARMER AND CALLING FOR SPECIFIC REMEDIAL MEASURES ON
THE PART OF CONGRESS, THE PRESIDENT AND HIS ADMINISTRA-
TION.

Also:

S. J. R. 365. HONORING SENATOR LISTER HILL, DISTIN-
GUISHED ALABAMIAN AND MEMBER OF THE UNITED STATES
CONGRESS FOR 46 YEARS.

Also:

S. J. R. 367. MOURNING THE DEATH OF MR. SAM H. WHEAT.

Also:

S. J. R. 369. WISHING A SPEEDY RECOVERY TO FORMER
GOVERNOR JAMES E. "BIG JIM" FOLSOM.

U. W. CLEMON,
Chairman.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, respectively, and finds same correctly engrossed, to-wit:

S. 487. To regulate the practice of design, construction, or installation of heating and air conditioning equipment, and roofing and sheet metal; to create a regulatory board for such purpose; to provide for the officers, membership, duties, authority, meetings and terms of the board; to vest rule-making and examining authority and the power to levy fines in the board; to provide for certification fees and their disposition; to require contractors in the regulated trades to be certified and bonded; to exempt certain persons from certain provisions hereof; and to provide penalties for violation of this act.

U. W. CLEMON,
Chairman.

UNFINISHED BUSINESS BILLS ON THIRD READING

The Senate proceeded to consideration of the Unfinished Business for today, the first item of which was the Bill:

S. 359. To provide for fair dismissal procedures for certain non-professional employees, not otherwise covered by the state merit system, at certain public educational institutions and facilities; to provide for and establish a review board to review dismissals of said employees; to provide for the appointment of review board members and their compensation; to define the duties, authority and jurisdiction of the review board; and to provide for judicial review of the decisions of the review board.

The question was on the substitute offered by Mr. McDonald (S), to the Bill, S. B. 359, as amended, which said substitute is set out in the Journal of the Senate for the Seventeenth Legislative Day.

On motion of Mr. Clemon, said substitute was laid on the table.

And said Bill, S. B. 359, as amended, was read a third time at length and passed.

Yeas 29; Nays 5.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Foshee, Gilmore, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Stewart, Teague, Vacca, Waldrop.

—29

Nays:

Messrs. Edwards, Goodwin, Higginbotham, McDonald (S), Wilson.

—5

Mr. Clemon moved that the Senate reconsider the vote by which the Bill, S. B. 359, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

BILL RE-REFERRED

Mr. Jones moved that the Bill, H. B. 122, be removed from the Standing Committee on State Government and re-referred to another Committee.

The President and Presiding Officer of the Senate ordered said Bill, H. B. 122, re-referred to the Standing Committee on Finance and Taxation.

RESOLUTIONS

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. J. R. 400. RESOLVED BY THE SENATE That the following bills shall be the paramount and continuing order of business upon reaching bills

on third reading for the 18th day and taking precedence over all other bills on the calendar for each day thereafter until disposed of:

Bill No.	Description
H. B. 400	Ad valorem taxation
H. B. 401	Ad valorem taxation
H. B. 402	Ad valorem taxation
H. B. 403	Ad valorem taxation

Which was adopted.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McMillan, Mims, Mitchell, Noonan, Owen, Perloff, Powell, Proctor, Roberts, St. John, Stewart, Waldrop, Wilson.

—26

Nays: Messrs. Pearson, Peden, Teague.

—3

Mr. Powell offered the following Senate Joint Resolution, to-wit:

S. J. R. 401. EXPRESSING CONCERN FOR MRS. FRANCES PEDEN.

WHEREAS, regrettably, we have learned that Mrs. Frances Peden, the wife of our friend and colleague in the Senate, Oscar Ray Peden, has been hospitalized in Florence, Alabama, presently in the intensive care unit, as the result of a serious injury suffered during a fall; and

WHEREAS, we are pleased to hear that the prognosis at this time is encouraging with no permanent paralysis anticipated; her recovery, however, will take quite some time and extensive care and treatment will be necessary; and

WHEREAS, Mrs. Peden's confinement is an experience of intense anxiety for her family and many friends as it is indeed for the members of the Legislature; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING. That we express our deep concern for Mrs. Frances Peden and most earnestly beseech her complete recovery in the shortest possible time.

BE IT FURTHER RESOLVED, That Frances Peden receive a copy of this resolution so that she and our friend, Oscar, may know our thoughts and prayers are with them in their time of adversity.

On motion of Mr. Powell, the Rules were suspended and the Resolution was adopted by the Senate.

BILL RE-REFERRED

Mr. Jones moved that the Bill, H. B. 158, be removed from the Standing Committee on State Government and re-referred to another Committee.

And the President and Presiding Officer of the Senate, ordered said Bill, H. B. 158, re-referred to the Standing Committee on Judiciary.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Edwards:

S. 680. To authorize the Commissioner of Revenue or his designated agent to levy and conduct judicial sales in the manner now provided for sales by sheriffs and constables; to provide for notice to the delinquent taxpayer and to provide for administrative and judicial remedies to the taxpayer.

Committee on Judiciary.

By Mr. Bank:

S. 681. Relating to the operation of citizens band radios from within the State of Alabama; to make it unlawful to use curse words or obscene language on any citizens band radio or to operate any citizens band radio on power that is in excess of that allowed by the rules and regulations of the Federal Communications Commission; to prescribe penalties for violation of this act.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Mims (with notice and proof):

S. 682. To authorize the Presiding Circuit Judge of the 35th Judicial Circuit to withdraw a certain amount from the Solicitor's Funds which comprise such Circuit to be used for the effective administration of justice.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 682, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Waldrop (with notice and proof):

S. 683. To provide for the filling of vacancies in any elected county offices in Etowah County and to repeal all conflicting statutes.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 683 as required in the General Acts of Alabama, 1975 Act No. 919.

McDowell Lee,
Secretary.

By Mr. Waldrop (with notice and proof):

S. 684. To provide for the filling of vacancies in any elected Judicial Article offices in Etowah County and to repeal all conflicting statutes.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 684 as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. St. John:

S. 685. Providing that all duly appointed and commissioned reserve deputy sheriffs, as authorized under the provisions of Section 15-6-1, Code of Alabama 1975, shall have the same authority to make arrest and execute other duties of the sheriff's office as is currently possessed by the full-time deputy sheriffs in this state.

Committee on Judiciary.

By Mr. Pearson (with notice and proof):

S. 686. Relating to Jefferson County; to provide further for the compensation of constables in said county.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 686 as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By. Messrs. Vacca, McMillan, Clemon, Pearson, Wilson, Ellis, Gilmore, and Proctor:

S. 687. Proposing an amendment to the Constitution of 1901, as amended, so as to create the office of Assistant Judge of Probate of Jefferson County; prescribing the qualifications, duties and benefits for such office.

Committee on Local Legislation No. 2.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Goodwin:

S. 688. To exempt certain specified charitable and community service organizations and corporations from all state, municipal and county sales, use and ad valorem taxes.

Committee on Finance and Taxation.

By Mr. Higginbotham (with notice and proof):

S. 689. Relating to Russell County; to change the method of compensating certain county officers, placing the officers on a salary and providing for a clerk hire allowance for each of such officers.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 689, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Baker (with notice and proof):

S. 690. To further amend Section 13 of Act 418, S. 358, approved November 13, 1959 (Acts 1959, p. 1107), which Act authorized the governing body of DeKalb County, Alabama to impose a certain gasoline excise tax within said county so as to provide further for the disposition of the proceeds from such tax.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 690, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Wilson (with notice and proof):

S. 691. To provide for the director's fee and expense allowance of the chairman and each member of the board of directors of the Jasper Utilities Board.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 691, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Wilson:

S. 692. To amend Section V of Act No. 551, Regular Session 1975 the Act known as the "Alabama Surface Mining Reclamation Act of 1975" so as to grant to the Alabama Surface Mining Reclamation Commission the authority to administer the Federal Initial Regulatory Program and to receive federal grants.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Clemon:

S. 693. To provide for the annual state compensation payable to the chief justice of the supreme court, associate justices of the supreme court, and the judges of the courts of appeal.

Committee on Finance and Taxation.

By Messrs. Fine and Clemon:

S. 694. To provide for the annual state compensation payable to circuit court judges and district court judges.

Committee on Finance and Taxation.

By Mr. Noonan (with notice and proof):

S. 695. Relating to Mobile County; to provide an expense allowance for the county treasurer, payable from county funds.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 695, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Noonan (with notice and proof):

S. 696. To repeal Act No. 653, H. 589, 1975 Regular Session (Acts of 1975, p. 1410), entitled "An Act To require the members of the board of registrars in all counties having populations of not less than 300,000 nor more than 600,000 according to the most recent or any subsequent decennial census to be available at the city hall of each incorporated municipality for the purpose of voter registration and voter reidentification, once each 6 months, and to be available at certain unincorporated areas in the county once each 6 months at the request of the House of Representatives member who represents such area with the concurrence of the Senate member who represents such area."

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 696, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Noonan (with notice and proof):

S. 697. Relating to Mobile County; to require the members of the board of registrars in Mobile County to be available at the city hall of each incorporated municipality for the purpose of voter registration and voter reidentification, once each 6 months, and to be available at certain unincorporated areas in the county once each 6 months at the request of the House of Representatives member who represents each area with the concurrence of the Senate member who represents such area, and to provide transportation and additional expense allowances for the members of the board of registrars.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 697, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Roberts (with notice and proof):

S. 698. To provide that procedural and substantive rights be accorded law enforcement officers of Mobile County; defining the right to counsel secured by the Sixth Amendment of the United States Constitution and procedural due process rights of hearings conducted to determine alleged misconduct of any officer; providing for access to records pertaining to fitness for duty and amendment of records pertaining to fitness for duty; providing for the processing of grievances and complaints against law enforcement officers; and providing that any law enforcement officer may bring a civil action for damages suffered while on official duty in Mobile County.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 698, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Roberts (with notice and proof):

S. 699. To provide retirement benefits for elected officials in all municipalities in Mobile County and to provide for the payment of such benefits.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 699, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Powell (with notice and proof):

S. 700. Relating to Elmore County; to regulate and control the operation and licensing of massage parlors and to provide penalties for violation.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 700, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Higginbotham:

S. 701. To amend Code of Alabama 1975 §44-1-29 to repeal the provision allowing the Department of Youth Services to establish facilities and procedures for making purchases and letting contracts.

Committee on Finance and Taxation.

By Mr. Higginbotham:

S. 702. To amend Section 2 of Act No. 1106, Regular Session of the Legislature of 1975, to repeal the provision allowing the Retirement Systems to establish facilities and procedures for the making of purchases and payment of expenses of the Retirement Systems.

Committee on Finance and Taxation.

REPORTS OF COMMITTEES

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Owen (With Amendment):

S. 670. To provide for the designation and regulation of Industrial Parks by County Commissions; the legal status of Industrial Parks; facilities to be furnished and maintained by the Industrial Parks; to exempt Industrial Parks from annexation by municipalities and to exempt Industrial Parks from being included in the Police Jurisdiction of municipalities; and confirm-

ing the rights and responsibilities of County Commissions, including the right of taxation.

Mr. King, Chairman of the Standing Committee on Constitution and Elections, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Mitchell:

S. 568. To amend Code of Alabama 1975, Section 17-4-14, which relates to the preparation and publication of poll lists so as to change the dates of said publication.

By Messrs. King, St. John, McDonald (S) and McDonald (A):

S. 260. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, relating to the mode of amending the Constitution; to repeal, supersede and renumber Article XVIII and Amendment No. 24 of said Constitution and all other conflicting provisions thereof.

The above Bill was read a second time at length as required by the Constitution.

By Messrs. Ellis, King, and St. John:

S. 526. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, relating to the executive department of state government; repealing and superseding Article V of the Constitution of Alabama, as amended, and Amendments No. 38 and 282 and all other conflicting provisions of said constitution.

The above Bill was read a second time at length as required by the Constitution.

Mr. King, Chairman of the Standing Committee on Constitution and Elections, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. King, Vacca, Ellis, St. John, McDonald (S), Peden, Goodwin and McDonald (A) (With Amendment):

S. 627. To propose and provide for the submission of an amendment to Section 110 of the Constitution of Alabama of 1901.

The above Bill was read a second time at length as required by the Constitution.

Mr. King, Chairman of the Standing Committee on Constitution and Elections, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. King:

S. 625. To provide for the conduct of elections in the State of Alabama, including reporting of and limitation on political contributions and expenditures, prohibiting specified acts in connection with elections, and providing for definitions of certain words and phrases used in the act; to exclude from

certain provisions of the act candidates with respect to which expenditures aggregating \$100 or less are made; to provide for certain requirements in connection with the organization and operation of political committees including the officers thereof, the manner of receiving and holding contributions thereby, record keeping practices of such committees, retention of records, notice of unauthorized activities, designation by a candidate of a principal campaign committee, and the filing of reports with such principal campaign committee; to provide for the registration of political committees, the contents of registration statements, amendments to registration statements, notice in the event of disbanding of political committees and of certain other events, and the filing of reports by political committees other than principal campaign committees; to provide for reports of receipts and expenditures, including the deadline for the filing of such reports, the contents of such reports, the periods required to be covered by such reports, reporting of contributions or expenditures by persons other than a political committee or a candidate; to provide for preservation of copies of reports required under the act, treatment of debts, pledges, etc., in reports, and to make provision for filing by registered or certified mail; to provide for reports by persons other than an individual or political committee; to authorize corporations to make political contributions, to provide for campaign depositories, petty cash funds, and the mode and manner of making deposits to and withdrawals from such depositories and funds; to provide that the secretary of state shall perform the administrative functions of this act; to provide for the manner of filing and hearing complaints of violations of the act and of other election laws by the secretary of state, to provide for remedies to be applied by the secretary of state upon the finding of a violation of the provisions of the act or of the election laws of the state, to provide for the calling of new elections in the event of certain violations of the act and the manner of holding such elections, to provide for the time within which the secretary of state must act in considering complaints brought under the provisions of the act and for appeals from certain orders of the secretary of state; to provide that the attorney general shall provide legal advice to the secretary of state and shall represent the secretary of state in court proceedings; to provide certain limitations on contributions and expenditures of persons, firms, corporations, labor unions, political committees, candidates and others, to provide for the adjustment of limitations on expenditures based on the consumer price index; to provide for permissible use of contributed amounts remaining after payment of the campaign expenditures; to prohibit intimidation of voters, to declare intimidation of voters to be a criminal act, and to provide penalties therefor; to prohibit expenditures to influence voting a criminal act, and to provide penalties therefor; to prohibit promise of employment or other benefit for political activity a criminal act, and to provide for penalties therefor; to prohibit publication or distribution of political statements without identification of the persons sponsoring such statement, to declare publication or distribution of political statements without identification of the persons sponsoring such statements a crime, and to provide a penalty therefor; to prohibit contributions in the name of another; to declare the making of contributions in the name of another a crime, and to provide a penalty therefor; to limit contributions of currency, to declare contributions of currency in excess of such limitation to be criminal acts, and to provide penalties therefor; to prohibit fraudulent misrepresentation of campaign authority, to declare penalties therefor; to enumerate and define certain other practices at elections as corrupt practices; and to provide penalties for those and other acts and omissions; to repeal certain laws including Code of Alabama 1975, Chapter 17-22, laws prohibiting private corporations from making campaign contributions, and all other laws in conflict with the provisions of the act to

the extent of such conflict; to declare that the provisions of the act are severable and that a ruling that one portion of the act is unconstitutional or invalid shall not affect the remaining portions of the act; to provide for the effective date of the act.

Mr. Baker, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Higginbotham (with notice and proof):

S. 667. Relating to the District Court for Russell County; authorizing the governing body of Russell County, in its discretion, to provide an expense allowance for the Judge of the District Court for Russell County not to exceed \$3,000.00 per year.

REPORT FROM RULES

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolutions, and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 21. TO DESIGNATE THE BIRMINGHAM FESTIVAL OF ARTS AS THE OFFICIAL STATE ARTS FESTIVAL.

S. J. R. 377. AMENDING S. J. R. 135 OF THE REGULAR SESSION OF 1971 (ACT NO. 2417, S. J. R. 135, PAGE 3848, ACTS OF 1971) WHICH ESTABLISHED THE "ARTS HALL OF FAME" IN THE BIRMINGHAM CIVIC CENTER SO AS TO CHANGE THE LOCATION OF SUCH "HALL" TO THE CAMPUS OF THE UNIVERSITY OF ALABAMA IN BIRMINGHAM, AND TO RESTRUCTURE AND ENLARGE THE MEMBERSHIP OF THE EXECUTIVE BOARD OF SUCH "HALL" AND TO ESTABLISH AN ADVISORY COMMITTEE.

On motion of Mr. McMillan, said Resolutions were then adopted by the Senate.

RESOLUTIONS

Messrs. Little, Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop and Wilson offered the following Senate Joint Resolution, to-wit:

S. J. R. 402. DESIGNATING THE JAMES E. FOY UNION AT AUBURN UNIVERSITY.

WHEREAS, James E. Foy, Dean of Student Affairs at Auburn University, has given 27 years of dedicated service to the institution and its student body; and

WHEREAS, Dean Foy began his association with the institution in 1950 as assistant director of student affairs and was named dean in 1952; and

WHEREAS, Dr. Foy was the recipient in 1975 of the Scott Goodnight

Award of Honor, the highest recognition attainable in his profession; he further has twice received the Award of Honor from the American Red Cross for his efforts in leading students at Auburn to establish several world records for donating blood and he, himself, is a seven gallon donor; and

WHEREAS, although a graduate of the University of Alabama, Dr. Foy is a long-time convert to the ranks of War Eagle fans and to such a degree that, in the words of Auburn's President Harry M. Philpott, "Few people have so exemplified the spirit of Auburn as Dean Foy"; and

WHEREAS, throughout his many years at Auburn, Dr. Foy has at all times evinced an interest in his students with sincerity and loyalty, giving unsparingly of himself to perpetuate these qualities in the student body and thereby gaining their admiration and recognition; and

WHEREAS, the Student Senate whose members are representative of the Auburn Student Body, has adopted a resolution calling upon the Auburn Board of Trustees to recommend the naming of the Auburn Union for Dr. Foy; and

WHEREAS, The Board of Trustees, at its meeting on March 18, 1978, unanimously recommended the naming of the Auburn Union for Dr. Foy; therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of the devotion and outstanding service of Dr. Foy to Auburn University and to its students, the Auburn Union be designated, named and known as the James E. Foy Union.

BE IT FURTHER RESOLVED that copies of this resolution be sent to Dean Foy and his family so that they may know of this action and the Legislature's high regard for his service to the people of Alabama.

On motion of Mr. Little, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Bank offered the following Senate Resolution, to-wit:

S. R. 403. COMMENDING MR. GEORGE STEINBRENNER, OWNER OF THE NEW YORK YANKEES.

WHEREAS, the Senate of the Alabama Legislature is exceedingly pleased to note that arrangements have been made for an exhibition game to be played between the renowned New York Yankees and the University of Alabama in Tuscaloosa, Alabama, on April 6, 1978; and

WHEREAS, arrangements for this eagerly anticipated sports event were made possible by Mr. George Steinbrenner, owner of the Yankees who hold the 1977 World Series title; and

WHEREAS, Crimson Tide fans, as well as baseball enthusiasts throughout our state, will have the unique opportunity of watching Bama's best confront the world's best, and before a crowd whose loyalty to the Tide would shame even the most ardent Yankee fans; and

WHEREAS, unlike another April, 1865, the "Yankees" are indeed welcome in Tuscaloosa on April 6, 1978; we look forward to the battle, and for our chance to rout the Yankees, winners of the 1977 World Series; now therefore,

BE IT RESOLVED BY THE SENATE OF THE ALABAMA LEGISLA-

TURE, That we commend Mr. George Steinbrenner, New York Yankees owner, for arranging this exciting exhibition game; we welcome Mr. Steinbrenner and his World Series Champions to Alabama and direct that he receive a copy of this resolution as a token of our grateful appreciation.

On motion of Mr. Bank, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Crowe:

H. J. R. 489. REAFFIRMING THE LEGISLATURE'S SUPPORT OF THE PEOPLE'S CONSTITUTIONAL RIGHT TO KEEP AND BEAR ARMS.

WHEREAS, the founding fathers of this great nation thought so much of the people's right to keep and bear arms that they made it the second amendment to our National Constitution; and

WHEREAS, this right to keep and bear arms is reaffirmed as Section 26 of our State Constitution; and

WHEREAS, Alabama has one of the highest per capita ratios of hunters and gun-owners in its population of any state of the Union; and

WHEREAS, familiarity and skill with firearms has made the American soldier renowned the world over for his marksmanship and has kept this nation free and strong throughout its history; and

WHEREAS, the Alabama Legislature wishes to reiterate and state its strong support for the unhampered and unfettered right of its citizens to keep, bear and freely use firearms for any and all lawful purposes without undue hassling or harassment, whether from a federal, state or local level; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do reiterate our strong support for the people's right to keep and bear arms as guaranteed by the National and State Constitutions.

BE IT FURTHER RESOLVED, That the Clerk of the House send copies of this resolution to the Alabama delegation in the United States Congress with our sincere request that they be ever watchful for any law that would in any way detract from the lawful citizen's right to keep, bear and enjoy firearms.

BE IT FURTHER RESOLVED, That we do mutually pledge to ourselves and to the people of this state that this Legislature will do all in its power to protect the right of its citizens to use and enjoy their lawful firearms.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 489, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

RESOLUTIONS

Mr. Waldrop offered the following Senate Joint Resolution, to-wit:

S. J. R. 404. MOURNING THE DEATH OF MR. CHARLES BERT ADAMS.

WHEREAS, the Alabama Legislature has grievously noted the death of Mr. Charles Bert Adams, in Gadsden, Alabama, on March 9, 1978, at the age of 66; and

WHEREAS, Mr. Adams was a native of Marshall County, Alabama, but had lived most of his life in the Etowah County area; he was a longtime employee of the Republic Steel Wire Mill, having retired after 30 years of service with that company; and

WHEREAS, he was a member of the Methodist Church and was also a supporter of many and varied civic and community endeavors, actively participating in worthwhile projects designed to fill the needs of his community and its citizens; and

WHEREAS, his loss is indeed an experience of deep grief and regret to his loved ones and many, many friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Mr. Charles Bert Adams and extend our most sincere sympathy to his wife, Mrs. Lucille Shirley Adams, and to his sisters and other family members to whom copies of this resolution shall be sent that they may know we share the sorrow of their great loss.

Which was read and referred to the Standing Committee on Rules.

Mr. Waldrop then offered the following Senate Joint Resolution, to-wit:

S. J. R. 405. HONORING MR. J. L. SAVAGE UPON HIS RETIREMENT.

WHEREAS, the Alabama Legislature has noted the recent retirement of Mr. J. L. "Buddy" Savage as postmaster at Centre in Cherokee County, Alabama, a post he had held since his appointment in June, 1949, by President Harry S. Truman; and

WHEREAS, at the time of his appointment, the Centre post office had approximately 97 boxes with two rural routes and an annual revenue of some \$11,000; since that time, the number of Centre's rental boxes has increased to 400, there are now four rural routes, city delivery was started, last year's revenue exceeded \$170,000, and service is provided by 14 employees from new facilities built in 1961; and

WHEREAS, Buddy Savage is the great-grandson of Centre's first postmaster, Major Patrick J. Chisolm, who was appointed in 1845; he further is a veteran of World War II, who was awarded the Bronze Star while serving in the China-Burma-India Theatre of Operations, and he is presently serving on the administrative board of the First Methodist Church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH

HOUSES THEREOF CONCURRING, That we highly commend Mr. J. L. Savage on his most distinguished career as Centre postmaster for some 29 years, and heartily offer congratulations upon his recent retirement.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Savage and his wife, the former Mattie Sue Arnold, and copies to their sons, Joe Arnold and Jimmy Savage, that they may know of our high praise and warm best wishes for every future success.

Which was read and referred to the Standing Committee on Rules.

Mr. Waldrop then offered the following Senate Joint Resolution, to-wit:

S. J. R. 406. MOURNING THE DEATH OF FORMER GADSDEN POLICE CHIEF PRESTON WILLIAM CARTEE.

WHEREAS, the Legislature of Alabama has been grievously saddened by the death of Preston William Cartee, in East Gadsden, Etowah County, Alabama, on March 11, 1978, at the age of 63; and

WHEREAS, Mr. Cartee, although a native of Texas, had been for most of his life a resident of Gadsden; he was a former chief-of-police, having retired after 24 years with the police department of that city; and

WHEREAS, Chief Cartee was a veteran of World War II and was also a member of the Fraternal Order of Police; he was one of his county's most prominent citizens whose longtime career in law enforcement was dedicated to serving the needs of his fellowmen, courageously and with devotion to duty; and

WHEREAS, as one who gained the respect, admiration and love of all those privileged to know him, he is deeply and sadly missed by his family and many friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do greatly mourn and regret the death of Preston William Cartee; we express our deep and heartfelt sympathy to his wife, Mrs. June R. Cartee, to their daughter, Mrs. Candee Estes, and sons, David and Larry Cartee, to his mother, Mrs. Odessa Cartee, and other family members to whom copies of this resolution shall be sent.

Which was read and referred to the Standing Committee on Rules.

Mr. Clemon offered the following Senate Joint Resolution, to-wit:

S. J. R. 407. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, both Houses thereof concurring, that there is hereby appropriated from funds appropriated to the Legislature a sum of not more than \$3,000.00 to be used in any litigations brought against any member of the Legislature as a result of action or actions in the performance of his or her official duties.

Which was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Manley:

H. J. R. 488. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, March 21, 1978, we adjourn to meet again on Wednesday, March 22, and when we adjourn on Wednesday, March 22, we adjourn to meet again on Thursday, March 23; when we adjourn on Thursday, March 23, we adjourn to meet again on Tuesday, March 28, and when we adjourn on Tuesday, March 28, we adjourn to meet again on Wednesday, March 29, and when we adjourn on Wednesday, March 29, we adjourn to meet again on Thursday, March 30; when we adjourn on Thursday, March 30, we adjourn to meet again on Tuesday, April 4; when we adjourn on Tuesday, April 4, we adjourn to meet again on Wednesday, April 5, and when we adjourn on Wednesday, April 5, we adjourn to meet again on Thursday, April 6; when we adjourn on Thursday, April 6, we adjourn to meet again on Tuesday, April 11; when we adjourn on Tuesday, April 11, we adjourn to meet again on Wednesday, April 12, and when we adjourn on Wednesday, April 12, we adjourn to meet again on Thursday, April 13; and when we adjourn on Thursday, April 13, we adjourn to meet again on Monday, April 24; when we adjourn on Monday, April 24, we adjourn sine die.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 488, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 320. PROVIDING FOR THE CONTINUED EXISTENCE OF THE GOVERNOR'S COST CONTROL SURVEY.

Also:

H. J. R. 321. PROVIDING FOR THE CONTINUED EXISTENCE OF THE SOUTHERN GROWTH POLICIES BOARD.

Also:

H. J. R. 322. PROVIDING FOR THE CONTINUED EXISTENCE OF THE UNIVERSITY OF SOUTH ALABAMA.

Also:

H. J. R. 323. PROVIDING FOR THE CONTINUED EXISTENCE OF THE UNIVERSITY OF SOUTH ALABAMA MEDICAL SCHOOL AND TEACHING HOSPITAL.

Also:

H. J. R. 324. PROVIDING FOR THE CONTINUED EXISTENCE OF THE MARINE ENVIRONMENTAL SCIENCES CONSORTIUM.

Also:

H. J. R. 325. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BOARD OF BARBER EXAMINERS.

Also:

H. J. R. 326. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BOARD OF CERTIFICATION OF WATER AND WASTE WATER SYSTEM PERSONNEL.

Also:

H. J. R. 327. PROVIDING FOR THE CONTINUED EXISTENCE OF THE EXAMINERS OF MINE PERSONNEL.

Also:

H. J. R. 328. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BOARD OF PUBLIC ACCOUNTANCY.

Also:

H. J. R. 329. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BOARD OF PHARMACY.

Also:

H. J. R. 330. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BOARD OF HEARING AID DEALERS.

Also:

H. J. R. 331. PROVIDING FOR THE CONTINUED EXISTENCE OF THE COUNCIL OF STATE GOVERNMENTS.

Also:

H. J. R. 333. PROVIDING FOR THE CONTINUED EXISTENCE OF THE LINE CREEK WATERSHED CONSERVANCY DISTRICT.

Also:

H. J. R. 334. PROVIDING FOR THE CONTINUED EXISTENCE OF THE KETCHEPDRAKEE CREEK WATERSHED CONSERVANCY DISTRICT.

Also:

H. J. R. 335. PROVIDING FOR THE TERMINATION OF THE VETERANS TRAINING BOARD.

Also:

H. J. R. 336. PROVIDING FOR THE CONTINUED EXISTENCE OF THE PREVAILING WAGE COMMISSION.

Also:

H. J. R. 337. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BOARD OF MEDIATION.

Also:

H. J. R. 338. PROVIDING FOR THE CONTINUED EXISTENCE OF THE INDUSTRIAL SECURITIES ADVISORY COUNCIL.

Also:

H. J. R. 339. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ENERGY ADVISORY COUNCIL.

Also:

H. J. R. 340. PROVIDING FOR THE CONTINUED EXISTENCE OF THE CIVIL AIR PATROL.

Also:

H. J. R. 341. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BOND COMMISSION FOR CONSTRUCTION OF MENTAL HEALTH FACILITIES.

Also:

H. J. R. 342. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA TRADE SCHOOL AND JUNIOR COLLEGE AUTHORITY.

Also:

H. J. R. 343. PROVIDING FOR THE CONTINUED EXISTENCE OF THE WHITE HOUSE OF THE CONFEDERACY.

Also:

H. J. R. 344. PROVIDING FOR THE TERMINATION OF THE ADVISORY COMMITTEE ON FACTORY BUILT HOUSING.

Also:

H. J. R. 345. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA MILITARY HALL OF FAME.

Also:

H. J. R. 346. PROVIDING FOR THE CONTINUED EXISTENCE OF THE FIREFIGHTERS PERSONNEL STANDARDS AND EDUCATION COMMISSION.

Also:

H. J. R. 347. PROVIDING FOR THE CONTINUED EXISTENCE OF THE REGISTRATION FOR SANITARIANS.

Also:

H. J. R. 348. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA BOARD OF EXAMINERS IN PSYCHOLOGY.

Also:

H. J. R. 349. PROVIDING FOR THE CONTINUED EXISTENCE OF THE BOARD OF MEDICAL TECHNICIANS EXAMINERS.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the

reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 350. PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE BOARD OF PODIATRY.

Also:

H. J. R. 351. PROVIDING FOR THE CONTINUED EXISTENCE OF THE COUNCIL ON HISTORIC PILGRIMAGES.

Also:

H. J. R. 352. PROVIDING FOR THE CONTINUED EXISTENCE OF THE HISTORIC RESOURCES ADAPTORS COUNCIL.

Also:

H. J. R. 353. PROVIDING FOR THE TERMINATION OF THE STATE PERSONNEL SAFETY COMMITTEE.

Also:

H. J. R. 354. PROVIDING FOR THE CONTINUED EXISTENCE OF THE JOHN WILL SCHOLARSHIP.

Also:

H. J. R. 355. PROVIDING FOR THE TERMINATION OF THE BOARD OF CANVASSERS OF ELECTION RETURNS.

Also:

H. J. R. 356. PROVIDING FOR THE TERMINATION OF THE CONSUMER ADVISORY COUNCIL.

Also:

H. J. R. 357. PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE BOARD OF PHYSICAL THERAPY.

Also:

H. J. R. 358. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA REAL ESTATE COMMISSION.

Also:

H. J. R. 359. PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE BOARD OF POLYGRAPH EXAMINERS.

Also:

H. J. R. 360. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA STATE BAR AND ALABAMA BOARD OF BAR EXAMINERS.

Also:

H. J. R. 361. PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATION.

Also:

H. J. R. 362. PROVIDING FOR THE CONTINUED EXISTENCE OF THE MOTOR SPORTS HALL OF FAME.

Also:

H. J. R. 363. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ORGANIZED CRIME CONTROL COUNCIL.

Also:

H. J. R. 364. PROVIDING FOR THE CONTINUED EXISTENCE OF THE TALLASSEEHATCHEE WATERSHED.

Also:

H. J. R. 365. PROVIDING FOR THE CONTINUED EXISTENCE OF THE PEA RIVER HISTORICAL AND GENEALOGICAL SOCIETY.

Also:

H. J. R. 366. PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE OFFICE OF EMERGENCY PLANNING.

Also:

H. J. R. 368. PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE BOARD OF EDUCATION.

Also:

H. J. R. 369. PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE DEPARTMENT OF EDUCATION.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 370. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ADVISORY COUNCIL FOR THE GOVERNOR'S COMMITTEE ON THE EMPLOYMENT OF THE HANDICAPPED.

Also:

H. J. R. 371. PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE TEXTBOOK COMMISSION.

Also:

H. J. R. 372. PROVIDING FOR THE CONTINUED EXISTENCE OF THE COURSES OF STUDY COMMITTEE.

Also:

H. J. R. 373. PROVIDING FOR THE CONTINUED EXISTENCE OF THE SOUTHERN REGIONAL EDUCATION BOARD.

Also:

H. J. R. 374. PROVIDING FOR THE CONTINUED EXISTENCE OF THE HIGH SCHOOL ATHLETIC ASSOCIATION.

Also:

H. J. R. 375. PROVIDING FOR THE TERMINATION OF THE MOBILE COUNTY SEAFOODS ADVISORY COMMITTEE.

Also:

H. J. R. 376. PROVIDING FOR THE TERMINATION OF THE STUDENT LEADERSHIP COMMITTEE.

Also:

H. J. R. 377. PROVIDING FOR THE TERMINATION OF THE ALABAMA INTER-DEPARTMENTAL COORDINATING COMMITTEE FOR EARLY CHILDHOOD DEVELOPMENT.

Also:

H. J. R. 378. PROVIDING FOR THE TERMINATION OF THE ALABAMA COMMUNITY AND TECHNICAL SERVICES AGENCY.

Also:

H. J. R. 379. PROVIDING FOR THE TERMINATION OF THE ADVISORY BOARD OF INDIAN AFFAIRS.

Also:

H. J. R. 380. PROVIDING FOR THE CONTINUED EXISTENCE OF THE THE SUPREME COURT LIBRARY FUND.

Also:

H. J. R. 381. PROVIDING FOR THE CONTINUED EXISTENCE OF THE UNIFIED JUDICIAL SYSTEM.

Also:

H. J. R. 382. PROVIDING FOR THE CONTINUANCE OF COURT MANAGEMENT.

Also:

H. J. R. 383. PROVIDING FOR THE CONTINUED EXISTENCE OF THE JUDICIAL RETIREMENT.

Also:

H. J. R. 384. PROVIDING FOR THE CONTINUED EXISTENCE OF THE INTERSTATE MINING COMPACT.

Also:

H. J. R. 385. PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA BOARD OF FUNERAL SERVICES.

Also:

H. J. R. 386. PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE BOARD OF CHIROPRACTIC EXAMINERS.

Also:

H. J. R. 387. PROVIDING FOR THE CONTINUED EXISTENCE OF THE UNIVERSITY OF ALABAMA MUSEUM.

Also:

H. J. R. 388. PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE PILOTAGE COMMISSION.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 124. PROVIDING FOR THE CONTINUATION OF THE RIVERBOAT ASSOCIATION.

Also:

H. J. R. 135. PROVIDING FOR THE CONTINUATION OF THE STATE BOARD OF AUCTIONEERS.

Also:

H. J. R. 298. PROVIDING FOR THE CONTINUANCE OF THE DEPARTMENT AND BOARD OF YOUTH SERVICES.

Also:

H. J. R. 332. PROVIDING FOR THE CONTINUATION OF THE LEGISLATIVE TECHNICAL ASSISTANCE PROGRAM.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

SPECIAL ORDER

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first item of which was the Bill:

H. 400. Proposing an amendment to further amend Article XI, Section 217, of the Constitution of Alabama 1901 relative to ad valorem taxation; further providing for the assessment of taxable property and the levy of such tax.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, H. B. 400, to-wit:

COMMITTEE AMENDMENT TO H. B. 400

Amend H. B. 400, page 1, Section 1, line 22 by striking the following words and figures:

"except as otherwise provided in Section 5 hereof,"

Also on page 3, lines 20 and 21, amend by striking the following words:

"shall be made so as to be effective for the ad valorem tax year in which this constitutional amendment is adopted."

and substituting in lieu thereof the following words and figures:

"shall be computed so that the estimated ad valorem tax receipts from each levy for the first ad valorem tax year commencing after the adoption of this constitutional amendment shall not exceed, by more than twenty percent, the total of the receipts from the same levy during the ad valorem tax year immediately preceding the year in which reappraised property values were used in computing ad valorem taxes for that county."

Also on page 4, amend by inserting between lines 33 and 34 the following subsections:

(1) The provisions of section (d) hereof establishing standards for the determination of the fair and reasonable market value of property for assessment purposes shall not take effect upon approval by a majority of the qualified electors voting thereon and upon proclamation by the Governor, but shall, instead, become effective for the first ad valorem tax year following the completion in all counties of this state of the statewide reappraisal of prop-

erty in progress on the date of the adoption of this constitutional amendment.

(m) In the event any section, sentence, clause or provision of this constitutional amendment shall be declared invalid by any court of competent jurisdiction, such action shall not affect the validity of the remaining sections, sentences, clauses or provisions of this constitutional amendment, which shall continue in effect.

Also on page 5, lines 17 through 23, amend by striking Section 5 in its entirety.

Mr. Powell offered the following substitute for the Bill, H. B. 400, and pending amendment, to-wit:

SUBSTITUTE FOR H. B. 400

A BILL TO BE ENTITLED AN ACT

Proposing an amendment to further amend Article XI, Section 217, of the Constitution of Alabama 1901 relative to ad valorem taxation; further providing for the assessment of taxable property and the levy of such tax.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to Article XI, Section 217, of the Constitution of Alabama 1901, as amended, is proposed, to become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

PROPOSED AMENDMENT

"Section 217 (a). All taxable property within this State, not exempt by law shall be divided into the following classes for the purposes of ad valorem taxation:"

Class I. All property of utilities used in the business of such utilities,

Class II. All property not otherwise classified,

Class III. All agricultural and forest and residential property not in Class IV

Class IV. All owner-occupied residential property and agricultural and forest property of less than 1000 acres in aggregate contiguous with residence.

(b) With respect to ad valorem taxes levied by the State, all taxable property shall be forever taxed at the same rate, and such property shall be assessed for ad valorem tax purposes according to the classes thereof as herein defined at the following ratios of assessed value to the fair and reasonable market value of such property.

Class I. 30 percentum

Class II. 25 percentum

Class III. 15 percentum

Class IV. 10 percentum

(c) With respect to ad valorem taxes levied by counties, municipalities or other taxing authority, all taxable property shall be forever taxed at the same rate, and such property shall be assessed for ad valorem tax purposes according to the classes of property defined in paragraph (a) herein and at the same ratios of assessed value to the fair and reasonable market value thereof as fixed in paragraph (b) herein, provided however, that the Legislature may vary the ratio of assessed value to the fair and reasonable market value as to any class of property as defined in paragraph (b) herein, and, without limiting the foregoing, provided further, that the Legislature may fix a uniform ratio of assessment of all property within a county defined in paragraph (a) herein as Class II and Class III and may fix a different ratio of assessment for property defined in paragraph (a) as Class I. Such ratios as herein authorized may vary among counties so long as each such ratio within each class is uniform within a county. Such ratios previously fixed by act of the Legislature under constitutional authority shall remain in full force and effect until changed by further legislative action.

(d) A county, municipality, or other taxing authority may decrease any ad valorem tax rate at any time, by the adoption of a resolution or ordinance by the authority, provided such decrease shall not jeopardize the payment of any bonded indebtedness secured by such tax. When the tax assessor of each county shall complete the assembly of the assessment book for his county for the first ad valorem tax year immediately following the adoption of this amendment and the computation of ad valorem taxes that will be paid upon such assessment, in which reappraised property values are used in computing ad valorem taxes for that county, he shall compute the total ad valorem taxes that will be paid taking into account new values established by reappraisal and the new assessment ratios established pursuant to this constitutional amendment, and he shall certify to each authority within his county that levies an ad valorem tax the amount of ad valorem tax that will be produced by every levy in that year but excluding for this purpose any assessment of property added to the tax rolls of such county for the tax year in which such certification is made that was not included on the tax rolls for the next preceding tax year. If it shall appear that the estimated ad valorem tax receipts from any levy so estimated shall be less than the receipts from the same levy during the next exceed, by more than 35 percent, the total of the receipts from the same levy during the ad valorem tax year immediately preceding a reappraisal, then the levying authority shall by the adoption of a resolution or ordinance by the authority, determine the percentage of growth but such percentage shall not exceed 35 percentum nor be less than 20 percentum. The levying authority shall then set each tax rate by such millage as is necessary to produce revenue that is not less than and that is substantially equal to that does not exceed the revenue received during such immediately preceding tax year by more than the percent established by the levying authority. It is provided that any and all millage adjustments shall be made in increments of not less than 1/2 mill. The adjustment herein required shall be made only one time and shall be made in the ad valorem year immediately following the adoption of this amendment by each taxing authority so as to make the adjustment effective for the first ad valorem tax year in which reappraised property values are used in computing ad valorem taxes for that county. If reappraised property values have already been used in determining ad valorem taxes in a county for an ad valorem tax year that ended prior to the effective date hereof, such adjustment shall not be made retroactive but shall be made so as to be effective for the ad valorem tax year in which this constitutional amendment is adopted. Such adjustment shall

also be made upon the completion of any future reappraisal required by law. The provisions of this subsection (d) shall not apply to the ad valorem taxes levied by the state.

(d)(2) After the tax assessor of each county shall have certified to each authority within his county that levied an ad valorem tax the amount of ad valorem tax that will be produced by each levy in that year, as is provided for in the immediately preceding paragraph hereof, if it shall appear that the estimated ad valorem tax receipts from any levy so estimated shall be less than the receipts from the same levy during the next preceding ad valorem tax year, then the levying authority may increase each tax rate by such millage as is necessary to produce revenue that is not less than and that is substantially equal to that revenue received during such immediately preceding tax year. The millage increase permitted under this subsection (d)(2) of Section 1 hereof may be made only one time and may be made only in the first ad valorem tax year to which subsection (d)(1) of this Section 1 of this constitutional amendment applies.

(e) Any county, municipality, or other taxing authority may increase the rate at which ad valorem taxes are levied above the limit now provided in the Constitution provided that the proposed increase shall have been (1) proposed by the authority having power to levy the tax after a public hearing on such proposal, (2) thereafter approved by an act of the Legislature, and (3) subsequently approved by a majority vote of the qualified electors of the area in which the tax is to be levied or increased who vote on the proposal.

(f) The Legislature is authorized to enact legislation to implement the provisions of this amendment, and may provide for exemptions from taxation; provided, however, that any statutory exemption existing prior to the adoption of this amendment shall not be repealed, except by subsequent legislative act, and shall remain in full force and effect.

(g) Wherever any constitutional provision or statute provides for, limits or measures the power or authority of any county, municipality or other taxing authority to levy taxes, borrow money, or incur indebtedness in relation to the assessment of property therein for state taxes or for state and county taxes such provision shall mean as assessed for county or municipal taxes as the case may be.

(h) Any provision of the Constitution of Alabama to the contrary notwithstanding, ad valorem taxes shall never exceed 2% of the fair and reasonable market value of the Class I property, or 1-1/2% of Class II, Class III and Class IV property.

(i) The following property shall be exempt from all ad valorem taxation: The real and personal property of the state, counties and municipalities, property devoted exclusively to religious, educational or charitable purposes, all household personal property and land that is tilled or cultivated exclusively for the production of food, feed or cotton.

Section 2. An election upon the proposed amendment is ordered to be held on the first General Election after the final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 17 of Title 17 of the Code of Alabama 1975.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be pub-

lished once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. If a newspaper is not published in the county, a copy of the notice shall be posted at the Courthouse and in three other places in the county.

Section 4. In the event any section, sentence, clause or provision of this Act shall be declared invalid by any court of competent jurisdiction, such action shall not affect the validity of the remaining sections, sentences, clauses or provisions of this Act, which shall continue in effect.

On motion of Mr. Owen, said substitute was laid on the table.

Yeas 20; Nays 13.

Yeas:

Messrs. Baker, Bank, Edwards, Fine, Foshee, Goodwin, Higginbotham, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Perry, St. John, Vacca, Waldrop, Wilson.

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Nays:

Messrs. Adams, Ellis, Jones, McDonald (S), Pearson, Peden, Perloff, Powell, Proctor, Roberts, Shelby, Stewart, Teague.

—13

Mr. Peden offered the following substitute for the Bill, H. B. 400, and pending amendment, to-wit:

SUBSTITUTE FOR H. B. 400

A BILL TO BE ENTITLED AN ACT

Proposing an amendment to further amend Article XI, Section 217, of the Constitution of Alabama 1901 relative to ad valorem taxation; further providing for the assessment of taxable property and the levy of such tax.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to Article XI, Section 217, of the Constitution of Alabama 1901, as amended, is proposed, to become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

PROPOSED AMENDMENT

Section 217. (a) All taxable property within this state, not exempt by law, shall be divided into the following classes for the purposes of ad valorem taxation:

Class I. All property of utilities used in the business of such utilities,

Class II. All property not otherwise classified,

Class III. All agricultural, forest and residential property.

(b) With respect to ad valorem taxes levied by the state, all taxable

property shall be forever taxed at the same rate, and such property shall be assessed for ad valorem tax purposes according to the classes thereof as herein defined at the following ratios of assessed value to the fair and reasonable market value of such property.

Class I. 30 per centum

Class II. 25 per centum

Class III. 15 per centum

(c) With respect to ad valorem taxes levied by counties, municipalities or other taxing authority, all taxable property shall be forever taxed at the same rate, and such property shall be assessed for ad valorem tax purposes according to the classes of property defined in paragraph (b) herein, provided however, that the legislature may vary the ratio of assessed value to the fair and reasonable market value as to any class of property as defined in paragraph (b) herein, and, without limiting the foregoing, provided further, that the legislature may fix a uniform ratio of assessment of all property within a county defined in paragraph (a) herein as Class II and Class III and may fix a different ratio of assessment for property defined in paragraph (a) as Class I. Such ratios as herein authorized may vary among counties so long as each such ratio within each class is uniform within a county. Such ratios previously fixed by act of the legislature under constitutional authority shall remain in full force and effect until changed by further legislative action.

No class of property shall have a ratio of assessed value to fair and reasonable market value of less than 15 10 per centum nor more than 35 per centum.

(d) With respect to the assessment of taxable property, the fair and reasonable market value of such property shall not be based on a speculative prospective value which the property might have if it were put to some other possible use, or handled in some other manner other than its use or, the manner of its handling, at the time of the assessment and the use to which the property is being put at the time of the assessment shall be conclusively presumed to be its highest and best use. However, when and if such property assessed at its current use is changed to a use which results in a higher assessed value, then the legislature may provide for a retroactive tax levy, which shall not apply for more than the immediately preceding 5 years, based upon the higher assessed value to which the property use has been changed.

(d)(e)(1) A county, municipality, or other taxing authority may decrease any ad valorem rate at any time, by the adoption of a resolution or ordinance by the authority, provided such decrease shall not jeopardize the payment of any bonded indebtedness secured by such tax. When the tax assessor of each county shall complete the assembly of the assessment book for his county for the first ad valorem tax year immediately following the adoption of this amendment and the computation of ad valorem taxes that will be paid upon such assessment, in which reappraised property values are used in computing ad valorem taxes for that county, he shall compute the total ad valorem taxes that will be paid taking into account new values established by reappraisal and the new assessment ratios established pursuant to this constitutional amendment, and he shall certify to each authority within his county that levies an ad valorem tax the amount of ad valorem tax that will be produced by every levy in that year but excluding for this purpose any assessment of property added to the tax rolls of such county for the tax year in which such certification is made that was not included on the tax rolls for the

next preceding tax year. If it shall appear that the estimated ad valorem tax receipts from any levy so estimated shall be less than the receipts from the same levy during the next exceed, by more than 20 percent, the total of the receipts from the same levy during the ad valorem tax year immediately preceding a reappraisal, then the levying authority shall decrease each tax rate by such millage as is necessary to produce revenue that is not less than and that is substantially equal to does not exceed by more than 20 percent the revenue received during such immediately preceding tax year. It is further provided that any and all millage adjustments shall be made in increments of not less than 1/2 mill. The adjustment herein required shall be made only one time and shall be made in the ad valorem tax year immediately following the adoption of this amendment by each taxing authority so as to make the adjustment effective for the first ad valorem tax year in which reappraised property values are used in computing ad valorem taxes for that county. If reappraised property values have already been used in determining ad valorem taxes in a county for an ad valorem tax year that ended prior to the effective date hereof, such adjustment shall not be made retroactive but shall be computed so that the estimated ad valorem tax receipts from each levy for the first ad valorem tax year commencing after the adoption of this constitutional amendment shall not exceed, by more than twenty percent, the total of the receipts from the same levy during the ad valorem tax year immediately preceding the year in which reappraised property values were used in computing ad valorem taxes for that county. Such adjustment shall also be made upon the completion of any future reappraisal required by law. The provisions of this subsection (e) shall not apply to the ad valorem taxes levied by the state.

(e)(2) After the tax assessor of each county shall have certified to each authority within his county that levied an ad valorem tax the amount of ad valorem tax that will be produced by each levy in that year, as is provided for in the immediately preceding paragraph hereof, if it shall appear that the estimated ad valorem tax receipts from any levy so estimated shall be less than the receipts from the same levy during the next preceding ad valorem tax year, then the levying authority may increase each tax rate by such millage as is necessary to produce revenue that is not less than and that is substantially equal to that revenue received during such immediately preceding tax year. The millage increase permitted under this subsection (e)(2) of Section 1 hereof may be made only one time and may be made only in the first ad valorem tax year to which subsection (e)(1) of this Section 1 of this constitutional amendment applies.

(e)(f) Any county, municipality, or other taxing authority may increase the rate at which ad valorem taxes are levied above the limit now provided in the Constitution rates in effect upon the adoption of this constitutional amendment, as adjusted pursuant to subsection (e) hereof, provided that the proposed increase shall have been (1) proposed by the authority having power to levy the tax after a public hearing on such proposal, (2) thereafter approved by an act of the legislature, and (3) subsequently approved by a majority vote of the qualified electors of the area in which the tax is to be levied or increased who vote on the proposal.

(f)(g) The legislature is authorized to enact legislation to implement the provisions of this amendment, and may provide for exemptions from taxation; provided, however, that any statutory exemption existing prior to the adoption of this amendment shall not be repealed, except by subsequent legislative act, and shall remain in full force and effect.

(g)(h) Wherever any constitutional provision or statute provides for,

limits or measures the power or authority of any county, municipality or other taxing authority to levy taxes, borrow money, or incur indebtedness in relation to the assessment of property therein for state taxes or for state and county taxes such provision shall mean as assessed for county or municipal taxes as the case may be.

(h)(i) Any provision of the Constitution of Alabama to the contrary notwithstanding, ad valorem taxes shall never exceed 1-1/2% 2% of the fair and reasonable market value of Class I property, 1-1/2% of Class II property or 1% of Class III property in any one taxable year.

(i)(j) The following property shall be exempt from all ad valorem taxation: The real and personal property of the state, counties and municipalities, and property devoted exclusively to religious, educational or charitable purposes, all farm machinery and farm equipment not held as inventory for sale or resale in the ordinary course of business, all household personal property, and stocks in new goods, wares and merchandise held for sale.

(k) Where any state constitutional, statutory or regulatory requirement in effect on the date of the adoption of this constitutional amendment requires counties, municipalities or other taxing authorities to levy any minimum ad valorem tax millage rate for any purpose in order for such county, municipality or other taxing authority to qualify for any funds or other benefits provided by or through the state, no counties, municipalities or other taxing authorities shall be penalized due to a millage reduction hereunder and they shall qualify for such funds or other benefit in spite of a millage reduction hereunder if such county, municipality or other taxing authority qualified for such funds or other benefit at the time of the adoption of this constitutional amendment.

(l) The provisions of section (d) hereof establishing standards for the determination of the fair and reasonable market value of property for assessment purposes shall not take effect upon approval by a majority of the qualified electors voting thereon and upon proclamation by the Governor, but shall, instead, become effective for the first ad valorem tax year following the completion in all counties of this state of the statewide reappraisal of property in progress on the date of the adoption of this constitutional amendment.

(m) In the event any section, sentence, clause or provision of this constitutional amendment shall be declared invalid by any court of competent jurisdiction, such action shall not affect the validity of the remaining sections, sentences, clauses or provisions of this constitutional amendment, which shall continue in effect.

(n) Commencing for the fiscal year beginning October 1, 1978, fifty percent (50%) of any payments made to the state by any federal agencies in lieu of ad valorem taxes shall be paid back, to the counties and municipalities therein where the property is located as provided herein and in fiscal years beginning after such date the percent of payments back to the counties and municipalities shall be increased ten percent (10%) until the full amount is distributed to the counties and municipalities.

Any such payments by a federal agency which has as its principal business the production of power shall be distributed as follows:

(1)(A) Eighty percent of said amount shall be distributed among the counties in the same proportion that the amount of such agency's power sales revenue generated in each county, less direct sales by such agency to indus-

try, bears to the total amount of such agency's power sales revenue generated in all counties of the state served by such agency.

(B) Ten percent of said amount shall be distributed among the counties in the same proportion that the dollar value amount of such agency's properties and reservoir lands in each county bears to the total dollar value of all such agency's properties and reservoir lands in all counties served by such agency.

(C) Ten percent of said amount shall be distributed among the counties in the same proportion that the amount of such agency's direct power sales to industry in each county bears to the total amount of such agency's power sales revenue generated in such manner in all counties of the state served by TVA.

(2) Any amount received by any county directly from such agency as payment in lieu of taxes shall be paid over to the state for redistribution according to the formula provided in (1) hereof.

Any such payments by any other federal agencies shall be distributed on the basis of the value of the property located in a county. Any portion of a county's share of said payments is to be paid to the municipalities in the county in the same proportion that the population of each municipality bears to the population of the entire county. For the purposes of this section, the population of the county and each municipality therein shall be determined by the 1970 or any subsequent federal decennial census.

Section 2. An election upon this proposed amendment is ordered to be held on the first Tuesday after the first Monday in September of 1978, the date fixed by Act Number 69 adopted at the first Special Session of the 1977 Alabama Legislature as the date on which primary elections shall be held, or, if such date for primary elections shall be changed, on the date on which primary election is held, on the date on which the general election for 1978 is held. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama of 1901, as amended, and in accordance with the provisions of Chapter 17 of Title 17 of the Code of Alabama 1975.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

Section 4. In the event any section, sentence, clause or provision of this Act shall be declared invalid by any court of competent jurisdiction, such action shall not affect the validity of the remaining sections, sentences, clauses or provisions of this Act, which shall continue in effect.

On motion of Mr. Owen, said substitute was laid on the table.

Yeas 16; Nays 15.

Yeas:

Messrs. Adams, Bank, Foshee, Gilmore, Goodwin, Higginbotham, Little, Mims, Mitchell, Noonan, Owen, Perry, Powell, Proctor, Vacca, Wilson.

Nays:

Messrs. Clemon, Edwards, Ellis, Fine, King, McDonald (A), McDonald (S), Pearson, Peden, Roberts, St. John, Shelby, Stewart, Teague, Waldrop.

—15

The question was then on the Finance and Taxation Committee amendment, to the Bill, H. B. 400, and said amendment was then adopted.

Yeas 24; Nays 0.

Yeas:

Messrs. Adams, Bank, Edwards, Fine, Foshee, Gilmore, Goodwin, Higginbotham, King, Little, McDonald (A), Mims, Mitchell, Noonan, Owen, Perloff, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop.

—24

Nays:

—0

Mr. King offered the following amendment to the Bill, H. B. 400, as amended, to-wit:

AMENDMENT TO H. B. 400, AS AMENDED

Amend House Bill 400, page 4 by adding a new subsection (1) to read as follows:

"(1) In addition to all other taxes levied each county may levy two mills of ad valorem tax to pay reappraisal costs. This levy shall be removed at such time as the debt is retired."

Which was adopted.

Yeas 28; Nays 0.

Yeas:

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, King, Little, McDonald (A), McDonald (S), Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Proctor, Roberts, St. John, Stewart, Teague, Vacca, Waldrop.

—28

Nays:

—0

Mr. Pearson offered the following amendment to the Bill, H. B. 400, as amended, to-wit:

AMENDMENT TO H. B. 400, AS AMENDED

Amend House Bill 400, Page 2, Line 18, by deleting Section (d) in its entirety and inserting therein the following language:

"the assessment of taxable property throughout this state upon the fair and reasonable market value of such property, as though said property were being put to its best use."

Fair and market value to be synonymous with "best use of said property".

REPORT OF
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, respectively, and finds same correctly engrossed, to-wit:

S. 359. To provide for fair dismissal procedures for certain non-professional employees, not otherwise covered by the state merit system, at certain public educational institutions and facilities; to provide for and establish a review board to review dismissals of said employees; to provide for the appointment of review board members and their compensation; to define the duties, authority and jurisdiction of the review board; and to provide for judicial review of the decisions of the review board.

U. W. CLEMON,
Chairman.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment on the Alabama Commission on Higher Education.

Respectfully submitted,
HENRY B. STEAGALL, II,
Executive Secretary.

Done this 21st day of March, 1978.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have reappointed, subject to your confirmation, Jim Oakley, Jr., Centreville, Alabama, as a member of the Commission of Higher Education for the term expiring August 31, 1984.

Respectfully,
GEORGE C. WALLACE,
Governor.

Done this 21st day of March, 1978.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Commission on Higher Education was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment on the Polygraph Examiners Board.

Respectfully submitted,
HENRY B. STEAGALL, II,
Executive Secretary.

Done this 21st day of March, 1978.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have reappointed, subject to your confirmation, Cecil L. Johnston, Montgomery, Alabama, as a member of the Polygraph Examiners Board for the term expiring January 14, 1980.

Respectfully,
GEORGE C. WALLACE,
Governor.

Done this 21st day of March, 1978.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Polygraph Examiners Board was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment on the Polygraph Examiners Board.

Respectfully submitted,
HENRY B. STEAGALL, II,
Executive Secretary.

Done this 21st day of March, 1978

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have reappointed, subject to your confirmation, Thomas F. Parker, Montgomery, Alabama, as a member of the Polygraph Examiners Board, for the term expiring January 14, 1980.

Respectfully,
GEORGE C. WALLACE,
Governor.

Done this 21st day of March, 1978.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Polygraph Examiners Board was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment on the Polygraph Examiners Board.

Respectfully submitted,
HENRY B. STEAGALL, II,
Executive Secretary.

Done this 21st day of March, 1978.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have reappointed, subject to your confirmation, John A. Tupkelewica, Jasper, Alabama, as a member of the Polygraph Examiners Board for the term expiring January 14, 1982.

Respectfully,
GEORGE C. WALLACE,
Governor.

Done this 21st day of March, 1978.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Polygraph Examiners Board was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment on the Polygraph Examiners Board.

Respectfully submitted,
HENRY B. STEAGALL, II,
Executive Secretary.

Done this 21st day of March, 1978.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have reappointed, subject to your confirmation, Dr. Rowland Dale Hawkins, Hartselle, Alabama, as a member of the Polygraph Examiners Board for the term expiring January 14, 1980.

Respectfully,
GEORGE C. WALLACE,
Governor.

Done this 21st day of March, 1978.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Polygraph Examiners Board was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment on the State Board of Education.

Respectfully submitted,
HENRY B. STEAGALL, II,
Executive Secretary.

Done this 21st day of March, 1978.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mrs. Chris Drake, Cullman, Alabama, as a member of the State Board of Education to fill the unexpired term of Ray Cox.

Respectfully,

GEORGE C. WALLACE,
Governor.

Done this 21st day of March, 1978.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the State Board of Education was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment on the Board of Trustees of Livingston State University.

Respectfully submitted,

HENRY B. STEAGALL, II,
Executive Secretary.

Done this 21st day of March, 1978.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have reappointed, subject to your confirmation, Hugh Edmonds, Brent, Alabama, as a member on the Board of Trustees of Livingston State University for the term expiring December 27, 1987.

Respectfully,

GEORGE C. WALLACE,
Governor.

Done this 21st day of March, 1978.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Trustees of Livingston State University was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to appointments on the Farmers' Market Authority.

Respectfully submitted,
HENRY B. STEAGALL, II,
Executive Secretary.

Done this 21st day of March, 1978.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have reappointed, subject of your confirmation, the following named persons as members of the Farmers' Market Authority:

John C. Goodson, Brent, Alabama—For the term expiring February 1, 1982.

E. Herrin Drake, Vinemont, Alabama—for the term expiring February 1, 1982.

Jesse Todd, Birmingham, Alabama—for the term expiring February 1, 1982.

Leon V. Keel, Slocomb, Alabama—for the term expiring February 1, 1984.

Earl Goodwin, Selma, Alabama—for the term expiring February 1, 1984.

Respectfully,
GEORGE C. WALLACE,
Governor.

Done this 21st day of March, 1978.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Farmers' Market Authority was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to appointments on the Water Improvement Commission.

Respectfully submitted,
HENRY B. STEAGAL, II,
Executive Secretary.

Done this 21st day of March, 1978

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have reappointed, subject to your confirmation, Sam Dyson, Fairhope, Alabama, and C. O. Cargile, Hueytown, Alabama, as members of the Water Improvement Commission for terms expiring December 1, 1981.

Respectfully,
GEORGE C. WALLACE,
Governor.

Done this 21st day of March, 1978.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Water Improvement Commission was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to appointments on the Air Pollution Control Commission.

Respectfully submitted,
HENRY B. STEAGALL, II,
Executive Secretary.

Done this 21st day of March, 1978.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have reappointed, subject to your confirmation, the following named persons as members of the Air Pollution Control Commission:

Camille Wright Cook, Tuscaloosa, Alabama—for the term expiring October 1, 1980.

Richard Markle, Birmingham, Alabama—for the term expiring October 1, 1981.

Larry Weems, Birmingham, Alabama—for the term expiring October 1, 1981.

Respectfully,
GEORGE C. WALLACE,
Governor.

Done this 21st day of March, 1978.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Air Pollution Control Commission was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Board of Appeals for the Department of Industrial Relations.

Respectfully submitted,
HENRY B. STEAGALL, II,
Executive Secretary.

Done this 21st day of March, 1978.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have reappointed, subject to your confirmation, H. Robert Jones, Prattville, Alabama, as a member of the Board of Appeals for the Department of Industrial Relations for the term expiring March 28, 1983.

Respectfully,
GEORGE C. WALLACE,
Governor.

Done this 21st day of March, 1978.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Appeals for the Department of Industrial Relations was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment on the Alabama Commission on Higher Education.

Respectfully submitted,
HENRY B. STEAGALL, II,
Executive Secretary.

Done this 21st day of March, 1978.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Jimmy Faulkner, Sr., Bay Minette, Alabama, as a member of the Alabama Commission on Higher Education for the term expiring August 31, 1986.

Respectfully,
GEORGE C. WALLACE,
Governor.

Done this 21st day of March, 1978.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Commission on Higher Education was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment on the Board of Trustees of Livingston State University.

Respectfully submitted,
HENRY B. STEAGALL, II,
Executive Secretary.

Done this 21st day of March, 1978.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have reappointed, subject to your confirmation, Howard Holt, Birmingham, Alabama, as a member on the Board of Trustees of Livingston State University for the term expiring December 27, 1987.

Respectfully,
GEORGE C. WALLACE,
Governor.

Done this 21st day of March, 1978.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Trustees of Livingston State University was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment on the Board of Trustees of Livingston State University.

Respectfully submitted,
HENRY B. STEAGALL, II,
Executive Secretary.

Done this 21st day of March, 1978.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have reappointed, subject to your confirmation, Howard R. Vaughan, Montgomery, Alabama, as a member on the Board of Trustees of Livingston State University for the term expiring December 27, 1987.

Respectfully,
GEORGE C. WALLACE,
Governor.

Done this 21st day of March, 1978.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Trustees of Livingston State University was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment on the Board of Trustees of Livingston State University.

Respectfully submitted,

HENRY B. STEAGALL, II,
Executive Secretary.

Done this 21st day of March, 1978.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Shelton E. Allred, Ozark, Alabama, as a member on the Board of Trustees of Livingston State University for the term expiring December 27, 1978.

Respectfully,

GEORGE C. WALLACE,
Governor.

Done this 21st day of March, 1978.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Trustees of Livingston State University was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment on the Board of Trustees of Livingston State University.

Respectfully submitted,

HENRY B. STEAGALL, II,
Executive Secretary.

Done this 21st day of March, 1978.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have reappointed, subject to your confirmation, Counce B. Hightower, III, York, Alabama, as a member on the Board of Trustees of Livingston State University.

Respectfully,
GEORGE C. WALLACE,
Governor.

Done this 21st day of March, 1978.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Trustees of Livingston State University was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment on the Board of Trustees of Livingston State University.

Respectfully submitted,
HENRY B. STEAGALL, II,
Executive Secretary.

Done this 21st day of March, 1978.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have reappointed, subject to your confirmation, Reverend Billy Frank Hall, Jackson, Alabama, as a member on the Board of Trustees of Livingston State University for the term expiring December 27, 1978.

Respectfully,
GEORGE C. WALLACE,
Governor.

Done this 21st day of March, 1978.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Trustees of Livingston State University was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment on the Advisory Board of Conservation.

Respectfully submitted,
HENRY B. STEAGALL, II,
Executive Secretary.

Done this 21st day of March, 1978.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Lee Callaway, Gulf Shores, Alabama, as a member of the Advisory Board of Conservation for the term expiring March 28, 1983.

Respectfully,
GEORGE C. WALLACE,
Governor.

Done this 21st day of March, 1978.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Advisory Board of Conservation was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment on the Alabama Surface Mining Reclamation Commission.

Respectfully submitted,
HENRY B. STEAGALL, II,
Executive Secretary.

Done this 21st day of March, 1978.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed Lewis Manderson, Tuscaloosa, Alabama, who is a resident in one of the three largest coal producing counties during 1973-74, as a member of the Alabama Surface Mining Reclamation Commission for the term expiring December 30, 1982.

As this appointment must be confirmed by your Body, I herewith transmit him to you for such action as you may deem right and proper.

Respectfully,

GEORGE C. WALLACE,
Governor.

Done this 21st day of March, 1978.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Surface Mining Reclamation Commission was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment on the Alabama Educational Television Commission.

Respectfully submitted,

HENRY B. STEAGALL, II,
Executive Secretary.

Done this 21st day of March, 1978.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed Harold N. Stinson, Tuscaloosa, Alabama, from the 7th Congressional District, as a member of the Alabama Educational Television Commission for the term expiring June 25, 1987, subject to your confirmation.

Respectfully,

GEORGE C. WALLACE,
Governor.

Done this 21st day of March, 1978.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an

appointment to the Alabama Educational Television Commission was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment on the Board of Trustees of Alabama Institute for Deaf and Blind.

Respectfully submitted,
HENRY B. STEAGALL, II,
Executive Secretary Secretary.

Done this 21st day of March, 1978.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, W. Hardy McCollum, Tuscaloosa, Alabama, as a member on the Board of Trustees of Alabama Insitute for Deaf and Blind for the term expiring November 28, 1982.

Respectfully,
GEORGE C. WALLACE,
Governor.

Done this 21st day of March, 1978.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Trustees of Alabama Insitute for Deaf and Blind was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to appointments on the Board of Trustees of the Alabama A & M University.

Respectfully submitted,
HENRY B. STEAGALL, II,
Executive Secretary.

Done this 21st day of March, 1978.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed the following named persons as members of the Board of Trustees of the Alabama A & M University:

Dr. P. T. Farrish, Huntsville, Alabama from the 5th Congressional District for the term expiring January 31, 1980.

Harry L. Pennington, Huntsville, Alabama from the State-at-Large for the term expiring January 31, 1982.

As these appointments must be confirmed by your Body, I herewith transmit them to you for such action as you may deem right and proper.

Respectfully submitted,

GEORGE C. WALLACE,
Governor.

Done this 21st day of March, 1978.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to appointments to the Board of Trustees of the Alabama A & M University was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to appointments on the State Board of Pensions and Security.

Respectfully submitted,

HENRY B. STEAGALL, II,
Executive Secretary.

Done this 21st day of March, 1978.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, the following named persons as members of the State Board of Pensions and Security:

Mrs. Mary McCullough, Birmingham, Alabama—for the term expiring August 28, 1981.

Miss Doris Bender, Mobile, Alabama—for the term expiring August 28, 1981.

I have reappointed, subject to your confirmation, the following named persons as members of the State Board of Pensions and Security:

Mrs. Jean Brandli, Pell City, Alabama—for the term expiring August 28, 1983.

Mrs. Eileen Mann, Owens Cross Road, Al.—For the term expiring August 28, 1983.

Respectfully,

GEORGE C. WALLACE,
Governor.

Done this 21st day of March, 1978.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to appointments to the State Board of Pensions and Security was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment on the State Board of Pensions and Security.

Respectfully submitted,

HENRY B. STEAGALL, II,
Executive Secretary.

Done this 21st day of March, 1978.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have reappointed, subject to your confirmation, Mrs. Joan B. Huffstutler, Mobile, Alabama, as a member of the State Board of Pensions and Security for the term expiring August 28, 1979.

Respectfully,

GEORGE C. WALLACE,
Governor.

Done this 21st day of March, 1978.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an

appointment to the State Board of Pensions and Security was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment on the Board of Trustees of Alabama Institute for Deaf and Blind.

Respectfully submitted,
HENRY B. STEAGALL, II,
Executive Secretary.

Done this 21st day of March, 1978.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have reappointed, subject to your confirmation, Mrs. Clara Stone Collins, Mobile, Alabama, as a member on the Board of Trustees of Alabama Institute for Deaf and Blind for the term expiring November 28, 1980.

Respectfully,
GEORGE C. WALLACE,
Governor.

Done this 21st day of March, 1978.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Trustees of Alabama Institute for Deaf and Blind was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment on the Board of Trustees of Alabama Institute for Deaf and Blind.

Respectfully submitted,
HENRY B. STEAGALL, II,
Executive Secretary.

Done this 21st day of March, 1978.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have reappointed, subject to your confirmation, Euclid Rains, Albertville, Alabama, as a member on the Board of Trustees of Alabama Institute for Deaf and Blind for the term expiring November 28, 1978.

Respectfully,

GEORGE C. WALLACE,
Governor.

Done this 21st day of March, 1978.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Trustees of Alabama Institute for Deaf and Blind was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment on the Board of Trustees of Alabama Institute for Deaf and Blind.

Respectfully submitted,

HENRY B. STEAGALL, II,
Executive Secretary.

Done this 21st day of March, 1978.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have reappointed, subject to your confirmation, William Smith, Athens, Alabama, as a member on the Board of Trustees of Alabama Institute for Deaf and Blind for the term expiring November 28, 1978.

Respectfully,

GEORGE C. WALLACE,
Governor.

Done this 21st day of March, 1978.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an

appointment to the Board of Trustees of Alabama Institute for Deaf and Blind was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment on the Board of Trustees of Alabama Institute for Deaf and Blind.

Respectfully submitted,
HENRY B. STEAGALL, II,
Executive Secretary.

Done this 21st day of March, 1978.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Calvin Wooten, Anniston, Alabama, as a member on the Board of Trustees of Alabama Institute for Deaf and Blind for the term expiring November 28, 1980.

Respectfully,
GEORGE C. WALLACE,
Governor.

Done this 21st day of March, 1978.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Trustees of Alabama Institute for Deaf and Blind was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment on the Board of Trustees of Alabama Institute for Deaf and Blind.

Respectfully submitted,
HENRY B. STEAGALL, II,
Executive Secretary.

Done this 21st day of March, 1978.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Roger Smith, Calhoun, Alabama, as a member on the Board of Trustees of Alabama Institute for Deaf and Blind for the term expiring November 28, 1982.

Respectfully,

GEORGE C. WALLACE,
Governor.

Done this 21st day of March, 1978.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Trustees of Alabama Institute for Deaf and Blind was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment on the Board of Trustees of Alabama Institute for Deaf and Blind.

Respectfully submitted,

HENRY B. STEAGALL, II,
Executive Secretary.

Done this 21st day of March, 1978.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mrs. William S. Newell, Montgomery, Alabama, as a member on the Board of Trustees of Alabama Institute for Deaf and Blind for the term expiring November 28, 1980.

Respectfully,

GEORGE C. WALLACE,
Governor.

Done this 21st day of March, 1978.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an

appointment to the Board of Trustees of Alabama Institute for Deaf and Blind was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

We herewith transmit to you a message from the Governor, Lieutenant Governor, and Speaker of the House of Representatives relative to appointments to the State Ethics Commission.

Respectfully submitted,
HENRY B. STEAGALL, II,
Executive Secretary.

Done this 21st day of March, 1978.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

We the Appointing Board for the State Ethics Commission have appointed the following named persons as members of the State Ethics Commission:

Dr. George Bagley, Montgomery, Alabama—appointed for the term expiring September 1, 1982.

Dr. Leslie Wright, Birmingham, Alabama—appointed for the term expiring September 1, 1978.

Mr. Alto V. Lee, III, Dothan, Alabama—appointed for the term expiring September 1, 1979.

As these appointments must be confirmed by your Body, we herewith transmit them to you for such action as you may deem right and proper.

Respectfully,
GEORGE C. WALLACE,
Governor.

JERE BEASLEY,
Lieutenant Governor.

JOE C. McCORQUODALE,
Speaker, House of Representatives.

Done this 21st day of March, 1978.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, the Lieutenant Governor, and the Speaker of the House of Representatives relative to appointments to the State Ethics Commission was read and referred to the Standing Committee on Rules.

ADJOURNMENT

At 4:30 P.M., on motion of Mr. Owen, pending further consideration of the Bill, H. B. 400, the Senate adjourned until Wednesday, March 22, 1978, at 7 o' clock A.M.

NINETEENTH LEGISLATIVE DAY

WEDNESDAY, MARCH 22, 1978

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

PRAYER

The Session was opened with prayer by the Honorable Wendell Mitchell, 28th Senatorial District.

ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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JOURNAL

On motion of Mr. St. John, the reading of the Journal for yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Eighteenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

MASTON MIMS,
Vice Chairman.

COMMITTEE REPORT

On motion of Mr. Mims, the foregoing report was concurred in and the Journal of the Senate for the Eighteenth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. St. John, leave of absence was granted Messrs. Clemon, Jones, and Noonan for today.

REPORT FROM RULES

Mr Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 449. CONGRATULATING MR. WILLIAM J. HEARIN UPON HIS SELECTION AS MOBILIAN OF THE YEAR.

H. J. R. 392. NAMING THE BRIDGE IN SOUTH CRENSHAW COUNTY, JUST SOUTH OF BRANTLEY, ALABAMA, LOCATED ON U. S. HIGHWAY 331 OVER THE CONECUH RIVER, THE "JIM FRANK WEED BRIDGE."

On motion of Mr. Fine, said Resolution, H.J.R. 449, was concurred in and adopted by the Senate.

On motion of Mr. Mitchell, said Resolution, S.J.R. 392, was adopted by the Senate.

REPORTS OF COMMITTEES

Mr. Baker, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. McDonald (S) (With Notice and Proof):

S. 576. Relating to Marshall County; to provide for a cost of living salary increase for the employees of the sheriff's department retroactive to October 1, 1977; and to provide that the salaries of the employees of the sheriff's department shall in the future be set by the salary commission that sets the salaries of other county employees.

By Mr. Little:

S. 390. To provide a county supplement in lieu of all existing county supplements to the salaries of the circuit judges of the thirty-seventh judicial circuit to be paid by the county composing said circuit, to require certain contributions of said judges who participate in the county retirement system, and to repeal conflicting laws.

By Messrs. Little and Higginbotham:

S. 469. To amend Section 1 of Act No. 130, S. 15 of the Fourth Special Session of 1975 which provided for supplementing the compensation paid to retired or supernumerary circuit judges in the 37th Judicial Circuit so as to further restrict eligibility for such supplemental compensation.

By Mr. Higginbotham (With Notice and Proof):

S. 629. Relating to Lee County, to provide further for the salary of the sheriff and to repeal conflicting laws.

By Messrs. Little and Higginbotham (With Notice and Proof):

S. 662. Relating to Chambers County; to provide additional compensation for the members of the county commission.

By Messrs. Little and Higginbotham (With Notice and Proof):

S. 663. To repeal Act No. 50, H. 91, 1977 First Special Session (Acts of 1977, p. 1472), entitled "An Act Relating to all counties having a population of not less than 35,000 nor more than 38,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide additional compensation for the members of the county commission."

By Mr. Powell (With Notice and Proof):

S. 700. Relating to Elmore County; to regulate and control the operation and licensing of massage parlors and to provide penalties for violation.

BILLS ON THIRD READING

The Bill:

S. 623. Relating to the City of Gadsden; providing further for the selection of candidates for membership on the board of commissioners by prescribing the dates, term of office and conduct of holding primary, run-off, and general election to such offices.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, King, Little, McDonald (S), Mims, Mitchell, Owen, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Waldrop.

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Nays:

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The Bill:

S. 624 Relating to certain incorporated municipalities within Etowah County; providing further for the term of office, dates, and for the holding of certain elections in all incorporated municipalities within said county except the city of Gadsden.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Foshee, Gilmore, King, Little, McDonald (S), Mims, Mitchell, Owen, Pearson, Peden, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Teague, Waldrop.

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Nays:

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The Bill:

H. 424 To alter, rearrange, and extend the City Limits and Corporate Limits of the Municipality of Eufaula, in Barbour County, Alabama.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Edwards, Ellis, Fine, Foshee, Gilmore, Higginbotham, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Owen, Pearson, Peden, Perry, Proctor, St. John, Shelby, Stewart, Vacca, Wilson.

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Nays:

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The Bill:

S. 591 To alter or rearrange the boundary lines of the City of Satsuma, Mobile County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory contiguous thereto, in Mobile County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Foshee, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Owen, Pearson, Perloff, Powell, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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Nays:

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The Bill:

S. 599. Relating to Crenshaw County; to provide an additional monthly salary allowance for the members of the county commission, effective beginning with the next term of office.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Bank, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, King, Little, McDonald (A), McDonald (S), McMillan, Mitchell, Owen, Pearson, Peden, Perloff, Powell, Shelby, Stewart, Teague, Vacca, Wilson.

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Nays:

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The Bill:

S. 602. Relating to Crenshaw County; providing for an increase in the pay of the members of the board of equalization.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, King, Little, McDonald (A), McDonald (S), McMillan, Mitchell, Owen, Pearson, Peden, Perloff, Powell, St. John, Stewart, Vacca, Waldrop, Wilson.

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Nays:

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The Bill:

S. 642. Proposing an amendment to the Constitution of Alabama relative to the Buttahatchee River Watershed Area.

Was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Fine, Gilmore, Goodwin, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Owen, Peden, Perloff, Perry, Proctor, St. John, Stewart, Teague, Vacca, Waldrop, Wilson.

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Nays:

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The Bill:

S. 640. To provide for and authorize the incorporation of a public corporation as a political subdivision of the state to be named Buttahatchee River Development Authority, for the development of the Buttahatchee River, its tributaries and watershed, for the purposes of navigation, water conservation and supply, flood control, irrigation, industrial development, public recreation and related purposes; to provide for the composition of the board of directors of the Authority; to specify the powers and duties of the Authority and its board of directors; to authorize the Authority to investigate the resources of the Buttahatchee River watershed, to determine requirements for its full development and control, and to carry out a unified comprehensive program of resource development, together with other powers to effectuate the foregoing objectives; to authorize the Authority to acquire land and interests in land by purchase, construction, lease, condemnation or otherwise, and hold, manage and sell such land and interests therein; to make provisions respecting the establishment and revision of rates, fees and charges for services rendered by the Authority; to provide for the issuance by the Authority for any of its corporate purposes of interest-bearing revenue bonds and notes payable solely out of the revenues of the Authority or out of the revenues of any particular facilities and other property of the Authority, without regard to the specific facilities and other property with respect to which such bonds and notes may have been issued; to provide that such bonds and notes shall constitute negotiable instruments; to provide that such bonds and notes may be secured by a pledge of the revenues from which they are payable, by contracts binding the Authority for the proper application of its

revenues and the proceeds of such ponds and notes and by a non-foreclosable mortgage or deed of trust or statutory mortgage lien on the facilities and other property out of the revenues from which such bonds and notes are payable, and to provide that bonds and notes of the Authority may be issued under a trust indenture; to provide for constructive notice of any such statutory mortgage lien; to authorize and make provisions respecting the assumption by the Authority of obligations respecting facilities and other property acquired by the Authority; to provide for the use of the proceeds to bonds and notes issued by the Authority; to provide for the refunding, by the issuance of bonds and notes of the Authority, of bonds and notes therefore issued or obligations theretofore assumed by it; to provide that bonds and notes issued and contracts entered into by the Authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality or other political subdivision of the state; to authorize Marion and Lamar Counties and the municipalities located therein to contribute money to the Authority, without the necessity of an election and with or without consideration therefor; to exempt from all taxation in this state, the Authority, its property, corporate activities, income, revenues, bonds and notes, the income from its bonds and notes, and conveyances, leases and mortgages and deeds of trust to which the Authority is a party, and to exempt the Authority from payment of certain charges to Judges of Probate; to provide that the Authority shall be exempted from regulation and supervision by the Public Service Commission and the State Department of Finance; to provide for the use of public roads in the state by the Authority; and to provide for certain annual reports by the Authority.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Fine, Gilmore, Goodwin, King, Little, McMillan, Mims, Mitchell, Owen, Peden, Perloff, Perry, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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Nays:

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The Bill:

H. 300. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Fayette, in Fayette County, Alabama.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Fine, Gilmore, Goodwin, King, Little, McMillan, Mims, Mitchell, Owen, Pearson, Peden, Perry, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Waldrop, Wilson.

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Nays:

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The Bill:

H. 364. Relating to Colbert County; amending Section 20 of Act No.

131, H. 333, 1949 Regular Session (Acts of 1949, p. 157) so as to change the meeting dates of the county commission.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Fine, Gilmore, Goodwin, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Owen, Peden, Perry, Powell, Proctor, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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Nays:

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The Bill:

S. 578. Proposing an amendment to the Constitution of Alabama which, if approved by the qualified electors of Morgan County, will amend Amendment Number 330 to said Constitution, as proposed by Act No. 493, S. 584, 1973 Regular Session of the Alabama Legislature (Acts of 1973, p. 724) submitted to a vote of the people on December 18, 1973, and proclaimed ratified December 27, 1973, which provides for the consolidation of public offices in Morgan County, so as to require that any legislative act therefor must be submitted to and approved by the majority of the participating qualified electors in Morgan County for its validity and effectiveness.

Was read a third time at length, as required by the Constitution, and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Fine, Foshee, Gilmore, Goodwin, King, Little, McMillan, Mims, Mitchell, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, St. John, Stewart, Teague, Vacca, Wilson.

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Nays:

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The Bill:

S. 581. Relating to Morgan County; to provide for a temporary expense allowance for certain county officers elected to serve as a revenue commissioner.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Fine, Foshee, Gilmore, Goodwin, King, Little, McMillan, Mims, Mitchell, Owen, Pearson, Peden, Perry, Powell, Proctor, St. John, Stewart, Teague, Vacca, Waldrop, Wilson.

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Nays:

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The Bill:

S. 582. Relating to Morgan County; to create and establish the office of license inspector in said county by providing for the appointment, term, duties, powers and compensation of said inspector.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Fine, Foshee, Gilmore, Goodwin, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Owen, Peden, Perloff, Perry, Proctor, St. John, Stewart, Teague, Vacca, Wilson.
—25

Nays: —0

The Bill:

S. 583. Relating to Morgan County; to provide for the compensation of the license commissioner in said county.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Fine, Foshee, Gilmore, Higginbotham, King, Little, McDonald (A), Mims, Mitchell, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, St. John, Stewart, Vacca, Waldrop, Wilson.
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Nays: —0

The Bill:

S. 593. To further regulate fire protection in Limestone County; to authorize the governing body of Limestone County, Alabama, to establish fire districts or a fire department for Limestone County; to authorize the levying and collecting of a fire tax and to otherwise authorize fire protection measures within Limestone County; and to prescribe punishment for violation of this act and regulations promulgated hereunder.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Bank, Edwards, Ellis, Fine, Foshee, Gilmore, King, McDonald (A), McMillan, Mims, Mitchell, Owen, Peden, Perloff, Perry, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.
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Nays:

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The Bill:

S. 600. To propose an amendment to the Constitution of Alabama, 1901, so as to authorize the governing body of Limestone County to establish fire districts or a fire department for said county; to authorize the adoption of a fire code for Limestone County; to authorize the levying and collecting of a fire tax and to otherwise authorize fire protection measures within Limestone County; and to prescribe punishment for any violation of the provisions and regulations promulgated hereunder.

Was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Foshee, Gilmore, King, McDonald (A), McMillan, Mims, Mitchell, Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Stewart, Teague, Vacca, Waldrop, Wilson.

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Nays:

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The Bill:

S. 613. Relating to Morgan County; to provide for the compensation of the revenue commission in said county.

Was read a third time and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Fine, Foshee, Gilmore, Goodwin, King, Little, McDonald (S), McMillan, Mims, Mitchell, Owen, Pearson, Peden, Perry, Powell, Proctor, St. John, Stewart, Teague, Vacca, Wilson.

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Nays:

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The Bill:

S. 614. Relating to Morgan County; further regulating the sheriff's compensation.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Bank, Edwards, Fine, Foshee, Gilmore, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Owen, Pearson, Peden, Perry, Powell, Proctor, St. John, Stewart, Teague, Vacca, Waldrop, Wilson.

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Nays:

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The Bill:

S. 615. Relating to Morgan County; providing a salary of \$20,000 for the Chairman of the County Commission and \$14,000 for each commissioner, effective after the present term.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Edwards, Fine, Foshee, Gilmore, Goodwin, King, Little, McMillan, Mims, Mitchell, Owen, Peden, Perloff, Perry, Powell, Proctor, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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Nays:

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The Bill:

S. 616. Relating to Morgan County; further regulating the compensation payable to the judge of probate.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Bank, Edwards, Fine, Foshee, Gilmore, Goodwin, Higginbotham, King, Little, McDonald (S), McMillan, Mims, Mitchell, Owen, Peden, Perloff, Powell, Proctor, St. John, Stewart, Teague, Vacca, Waldrop, Wilson.

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Nays:

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The Bill:

H. 113. Relating to Limestone County; to authorize the county commission to expend public funds for the operation, maintenance and expenses of volunteer fire departments in the county.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Bank, Edwards, Ellis, Fine, Foshee, Gilmore, McDonald (A), McMillan, Mims, Mitchell, Owen, Peden, Perloff, Perry, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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Nays:

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The Bill:

H. 115. To authorize the charging of a "convenience fee" in the amount of 25 cents on the sale of any hunting or fishing license sold in Limestone County by any special agent who sells hunting or fishing licenses in the City of Athens under authority granted pursuant to the provisions of article 2 of chapter 11 of title 9 of the Code of Alabama, 1975; prescribing penalties for the violation of the provisions of this act.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, King, McDonald (A), Mims, Mitchell, Owen, Peden, Perloff, Perry, Powell, Proctor, Roberts, Shelby, Stewart, Vacca, Waldrop.

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Nays:

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The Bill:

S. 579. Relating to the expenses of the members of the Pickens County Board of Education.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Edwards, Ellis, Fine, Foshee, Gilmore, King, Little, McMillan, Mims, Mitchell, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, St. John, Shelby, Teague, Vacca, Waldrop, Wilson.

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Nays:

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The Bill:

S. 605. To apply in Mobile County, Alabama, and to authorize the County Board of Health in such county to solicit, receive, hold, use and dispose of, by sale or otherwise, any gifts, devises, bequests of money, real estate, personalty or other things of value; to match or supplement such property or use same for matching purposes in carrying out and funding its activities; to further authorize such Board of Health to utilize its funds to purchase, lease or hold any real or personal property needed in carrying out its functions, to control such property belonging to the Board of Health, and to lease, sell, convey or exchange any real or personal property, or portions thereof, no longer needed or utilized by the Board of Health in carrying out its functions in the field of public health.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Bank, Edwards, Ellis, Fine, Foshee, Gilmore, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Owen, Pearson, Perloff, Powell, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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Nays:

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The Bill:

S. 618. To authorize the county commission or other like governing body of any county having a population of not less than 300,000 nor more than 500,000 according to the most recent federal decennial census, to select and appoint a secretary for each county commissioner, to provide for the appointment of such secretary, to provide for the salary of each secretary, and the method of payment of such secretary.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, S. B. 618, to-wit:

COMMITTEE AMENDMENT TO S. B. 618

Amend Senate Bill 618 so that line 32 of said Bill shall read as follows:

“each county commissioner.”

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Foshee, Gilmore, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Owen, Perloff, Powell, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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Nays:

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And said Bill, S. B. 618, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Foshee, Gilmore, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Owen, Perloff, Powell, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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Nays:

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The Bill:

S. 94. Relating to Madison County, to authorize the County Commission to designate an official County Historian and appropriate an honorarium for same.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, King, McDonald (A), McMillan, Mims, Mitchell, Owen, Pearson, Perloff, Perry, Powell, Proctor, St. John, Shelby, Stewart, Vacca, Waldrop, Wilson.

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Nays:

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The Bill:

S. 93. To provide that the Madison County Commission may appoint an Awards Committee to make recommendations to said commission.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, King, McDonald (A), McMillan, Mims, Mitchell, Owen, Pearson, Perloff, Perry, Powell, Proctor, St. John, Shelby, Stewart, Vacca, Waldrop, Wilson.

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Nays:

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The Bill:

H. 190. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Butler, in Choctaw County.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Edwards, Ellis, Fine, Foshee, Gilmore, Higginbotham, King, Little, McMillan, Mims, Mitchell, Owen, Pearson, Peden, Perry, Powell, Proctor, Roberts, Shelby, Stewart, Teague, Vacca, Wilson.

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Nays:

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The Bill:

S. 667. Relating to the District Court for Russell County; authorizing the governing body of Russell County, in its discretion, to provide an expense allowance for the Judge of the District Court for Russell County not to exceed \$3,000.00 per year.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Foshee, Gilmore, Higginbotham, King, Little, McMillan, Mims, Mitchell, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Stewart, Teague, Waldrop, Wilson.

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Nays:

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INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Teague (with notice and proof):

S. 703. To alter, rearrange and extend the boundaries and corporate limits of the City of Pell City, St. Clair County, Alabama,, so as to annex certain territory to the city.

Committee on Local Legislation No. 1

I hereby certify that the notice & proof is attached to the Bill, S. B. 703, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Messrs. Mitchell and Powell (with notice and proof):

S. 704. To allow those county employees who but for Section 3 of Act No. 176 of the 1959 Regular Session of the Alabama Legislature would have contributed to the Montgomery County Employees' Retirement System to pay the amount not deducted plus interest and thereby receive credit for membership in the Montgomery County Employees' Retirement System for the period of time when such monies were not contributed.

Committee on Local Legislation No. 1.

I hereby certify that the notice & proof is attached to the Bill, S. B. 704, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Roberts:

S. 705. To further provide for the distribution of a portion of the gross receipts collected on collegiate athletic competitive contests, pursuant to Section 40-23-2(2) of the Code of Alabama 1975, as amended, to certain

boards of parks and recreation which are under the control or supervision of a municipal or county governing body.

Committee on Finance and Taxation

By Messrs. Powell, Fine, King, Mims, McDonald (A), Perry, Waldrop, Peden, Proctor, Shelby, Teague, Stewart, Foshee and Bank:

S. 706. To amend Section 40-9-1, Code of Alabama, 1975, by adding a new subsection (22) exempting land used to produce food, feed or cotton from ad valorem taxation.

Committee on Agriculture

BILLS ON THIRD READING RESUMED

The Bill:

S. 426. To propose and provide for the submission of an amendment to the Constitution of Alabama relating to Mobile County for the purpose of granting local self government or home rule to said county.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following substitute for the Bill, S. B. 426, to-wit:

COMMITTEE SUBSTITUTE FOR S. B. 426

A BILL
TO BE ENTITLED
AN ACT

To propose and provide for the submission of an amendment to the Constitution of Alabama relating to Mobile County for the purpose of granting limited local self-government or certain home rule powers to said county.

Be It Enacted by the Legislature of Alabama:

Section. 1. The following amendment to the Constitution of Alabama is proposed and shall become valid as a part of the Constitution when approved and proclaimed as prescribed by law.

CONSTITUTIONAL AMENDMENT

Upon resolution approved by the Governing Body of Mobile County, the question of the adoption of certain home rule powers shall be submitted to the Electorate of Mobile County. An affirmative vote of a majority of the Electors voting in the question shall authorize said home rule powers for Mobile County. In addition to the powers and authority possessed by the Mobile County Commission prior to the passage and adoption of this constitutional amendment, the County Commission shall also have the following powers: the authority to pass land use and zoning ordinances and regulations involving the unincorporated areas of the County, the power to adopt traffic control ordinances involving unincorporated areas of the County, and the authority to set all salaries of County employees not set by the Mobile County Personnel Board, with the exception of elected officials. The provisions of this act shall be liberally construed in favor of Mobile County and its governing body.

Section 2. Any local legislation or general bill of local application

requiring expenditures of Mobile County funds without providing the necessary revenue to implement, on a continuing basis, and said legislation is unlawful and prohibited.

Section 3. An election upon the proposed Amendment is to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama of 1901, as amended, and Chapter 17, Title 17, Code of Alabama 1975, together with any other statutes applicable thereto. Each reference herein to "the Constitution" shall be deemed to refer to the Constitution of Alabama of 1901, and all amendments thereto.

Section 4. Notice of the election on the proposed amendment shall be given by proclamation of the Governor published in a newspaper in each county in the state once a week for four successive weeks next preceding the day herein appointed for the election, and in any county in which there may be no newspaper published the notice shall be published either (a) by posting a copy of the said proclamation at each courthouse in such county, or (b) by publication in a newspaper published in another county that is circulated in the county in which no newspaper is then published. There is hereby appropriated out of the General Fund of the state such sum as may be necessary to defray the expenses of the election.

The Standing Committee on Local Legislation No. 1 then reported the following amendment to the substitute for the Bill, S. B. 426, to-wit:

COMMITTEE AMENDMENT TO SUBSTITUTE FOR S. B. 426

Amend the LL #1 Substitute for Senate Bill 426 on page 2, line 14 after the word "implement" by striking the following: "on a continuing basis"

Which was adopted.

And said substitute, as thus amended, for the Bill, S. B. 426, was then adopted by the Senate.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Foshee, Gilmore, King, Little, McMillan, Mims, Mitchell, Owen, Pearson, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

Nays:

—0

And said Bill, S. B. 426, as thus amended by the substitute, was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Foshee, Gilmore, King, Little, McMillan, Mims, Mitchell, Owen, Pearson, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

Nays:

—0

UNFINISHED BUSINESS

The Senate proceeded to further consideration of the Unfinished Business for today, which was the Bill:

H. 400. Proposing an amendment to further amend Article XI, Section 217, of the Constitution of Alabama 1901 relative to ad valorem taxation; further providing for the assessment of taxable property and the levy of such tax.

as amended.

The question was on amendment offered by Mr. Pearson, which said amendment is set out in the Journal of the Senate for the Eighteenth Legislative Day.

On motion of Mr. Owen, said amendment was laid on the table.

Mr. Peden offered the following substitute of the Bill, H. B. 400, as amended, to-wit:

SUBSTITUTE FOR H. B. 400

A BILL TO BE ENTITLED AN ACT

Proposing an amendment to further amend Article XI, Section 217, of the Constitution of Alabama 1901 relative to ad valorem taxation; further providing for the assessment of taxable property and the levy of such tax.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to Article XI, Section 217, of the Constitution of Alabama 1901, as amended, is proposed, to become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

PROPOSED AMENDMENT

Section 217. (a) All taxable property within this state, not exempt by law, shall be divided into the following classes for the purposes of ad valorem taxation:

Class I. All property of utilities used in the business of such utilities,

Class II. All property not otherwise classified,

Class III. All agricultural, forest and residential property.

(b) With respect to ad valorem taxes levied by the state, all taxable property shall be forever taxed at the same rate, and such property shall be assessed for ad valorem tax purposes according to the classes thereof as herein defined at the following ratios of assessed value to the fair and reasonable market value of such property.

Class I. 30 per centum

Class II. 25 per centum

Class III. 15 per centum

(c) With respect to ad valorem taxes levied by counties, municipalities or other taxing authority, all taxable property shall be forever taxed at the same rate, and such property shall be assessed for ad valorem tax purposes according to the classes of property defined in paragraph (a) herein and at the same ratios of assessed value to the fair and reasonable market value thereof as fixed in paragraph (b) herein, provided however, that the legislature may vary the ratio of assessed value to the fair and reasonable market value as to any class of property as defined in paragraph (b) herein, and, without limiting the foregoing, provided further, that the legislature may fix a uniform ratio of assessment of all property within a county defined in paragraph (a) herein as Class II and Class III and may fix a different ratio of assessment for property defined in paragraph (a) as Class I. Such ratios as herein authorized may vary among counties so long as each such ratio within each class is uniform within a county. Such ratios previously fixed by act of the legislature under constitutional authority shall remain in full force and effect until changed by further legislative action.

No class of property shall have a ratio of assessed value to fair and reasonable market value of less than 15 10 per centum no more than 35 per centum.

(d) With respect to the assessment of taxable property, the fair and reasonable market value of such property shall not be based on a speculative prospective value which the property might have if it were put to some other possible use, or handled in some other manner other than its use or, the manner of its handling, at the time of the assessment and the use to which the property is being put at the time of the assessment shall be conclusively presumed to be its highest and best use. However, when and if such property assessed at its current use is changed to a use which results in a higher assessed value, then the legislature may provide for a retroactive tax levy, which shall not apply for more than the immediately preceding 5 years, based upon the higher assessed value to which the property use has been changed.

(d)(e)(1) A county, municipality, or other taxing authority may decrease any ad valorem tax rate at any time, by the adoption of a resolution or ordinance by the authority, provided such decrease shall not jeopardize the payment of any bonded indebtedness secured by such tax. When the tax assessor of each county shall complete the assembly of the assessment book for his county for the first ad valorem tax year immediately following the adoption of this amendment and the computation of ad valorem taxes that will be paid upon such assessment, in which reappraised property values are used in computing ad valorem taxes for that county, he shall compute the total ad valorem taxes that will be paid taking into account new values established by reappraisal and the new assessment ratios established pursuant to this constitutional amendment, and he shall certify to each authority within his county that levies an ad valorem tax the amount of ad valorem tax that will be produced by every levy in that year but excluding for this purpose any assessment of property added to the tax rolls of such county for the tax year in which such certification is made that was not included on the tax rolls for the next preceding tax year. If it shall appear that the estimated ad valorem tax receipts from any levy so estimated shall be less than the receipts from the same levy during the next exceed, by more than 20 percent, the total of the receipts from the same levy during the ad valorem tax year immediately preceding a reappraisal, then the levying authority shall increase decrease each tax rate by such millage as is necessary to produce

revenue that is not less than and that is substantially equal to that does not exceed by more than 20 percent the revenue received during such immediately preceding tax year. It is further provided that any and all millage adjustments shall be made in increments of not less than 1/2 mill. The adjustment herein required shall be made only one time and shall be made in the ad valorem tax year immediately following the adoption of this amendment by each taxing authority so as to make the adjustment effective for the first ad valorem tax year in which reappraised property values are used in computing ad valorem taxes for that county. If reappraised property values have already been used in determining ad valorem taxes in a county for an ad valorem tax year that ended prior to the effective date hereof, such adjustment shall not be made retroactive but shall be computed so that the estimated ad valorem tax receipts from each levy for the first ad valorem tax year commencing after the adoption of this constitutional amendment shall not exceed, by more than twenty percent, the total of the receipts from the same levy during the ad valorem tax year immediately preceding the year in which reappraised property values were used in computing ad valorem taxes for that county. Such adjustment shall also be made upon the completion of any future reappraisal required by law. The provisions of this subsection (e) shall not apply to the ad valorem taxes levied by the state.

(e)(2) After the tax assessor of each county shall have certified to each authority within his county that levied an ad valorem tax the amount of ad valorem tax that will be produced by each levy in that year, as is provided for in the immediately preceding paragraph hereof, if it shall appear that the estimated ad valorem tax receipts from any levy so estimated shall be less than the receipts from the same levy during the next preceding ad valorem tax year, then the levying authority may increase each tax rate by such millage as is necessary to produce revenue that is not less than and that is substantially equal to that revenue received during such immediately preceding tax year. The millage increased permitted under this subsection (e)(2) of Section 1 hereof may be made only one time and may be made only in the first ad valorem tax year to which subsection (e)(1) of this Section 1 of this constitutional amendment applies.

(e)(f) Any county, municipality, or other taxing authority may increase the rate at which ad valorem taxes are levied above the limit now provided in the Constitution rates in effect upon the adoption of this constitutional amendment, as adjusted pursuant to subsection (e) hereof, provided that the proposed increase shall have been (1) proposed by the authority having power to levy the tax after a public hearing on such proposal, (2) thereafter approved by an act of the legislature, and (3) subsequently approved by a majority vote of the qualified electors of the areas in which the tax is to be levied or increased who vote on the proposal.

(f) (g) The legislature is authorized to enact legislation to implement the provisions of this amendment, and may provide for exemptions from taxation; provided, however, that any statutory exemption existing prior to the adoption of this amendment shall not be repealed, except by subsequent legislative act, and shall remain in full force and effect.

(g) (h) Wherever any constitutional provision or statute provides for, limits or measures the power or authority of any county, municipality or other taxing authority to levy taxes, borrow money, or incur indebtedness in relation to the assessment of property therein for state taxes or for state and

county taxes such provision shall mean as assessed for county or municipal taxes as the case may be.

(h) (i) Any provision of the Constitution of Alabama to the contrary notwithstanding, ad valorem taxes shall never exceed 1-1/2% of the fair and reasonable market value of the Class I property, 1-1/2% of Class II property or 1% of Class III property in any one taxable year.

(i) (j) The following property shall be exempt from all ad valorem taxation: The real personal property of the state, counties and municipalities, and property devoted exclusively to religious, educational or charitable purposes all farm machinery and farm equipment, all household personal property, and stocks of new goods, wares and merchandise held for sale.

(k) Where any state constitutional, statutory or regulatory requirement in effect on the date of the adoption of this constitutional amendment requires counties, municipalities or other taxing authorities to levy any minimum ad valorem tax millage rate for any purpose in order for such county, municipality or other taxing authority to qualify for any funds or other benefits provided by or through the state, no counties, municipalities or other taxing authorities shall be penalized due to a millage reduction hereunder and they shall qualify for such funds or other benefit in spite of a millage reduction hereunder if such county, municipality or other taxing authority qualified for such funds or other benefit at the time of the adoption of this constitutional amendment.

(l) The provisions of section (d) hereof establishing standards for the determination of the fair and reasonable market value of property for assessment purposes shall not take effect upon approval by a majority of the qualified electors voting thereon and upon proclamation by the Governor, but shall, instead, become effective for the first ad valorem tax year following the completion in all counties of this state of the statewide reappraisal of property in progress on the date of the adoption of this constitutional amendment.

(m) In the event any section, sentence, clause or provision of this constitutional amendment shall be declared invalid by any court of competent jurisdiction, such action shall not affect the validity of the remaining sections, sentences, clauses or provisions of this constitutional amendment, which shall continue in effect.

(n) Commencing for the fiscal year beginning October 1, 1979, twenty percent (20%) of any payments made to the state by any federal agencies in lieu of ad valorem taxes shall be paid back, to the counties, municipalities, and public agencies therein where the property is located as provided herein and in fiscal years beginning after such date the percent of payments back to the counties and municipalities shall be increased ten percent (10%) each fiscal year thereafter until eighty percent (80%) on the annual receipts have been distributed.

Distribution herein provided shall be made to the governing bodies of said counties. However, the Legislature may prescribe other distribution within such counties to local governments and public agencies therein.

Any such payments by a federal agency which has its principal business the production of power shall be distributed as follows:

(1)(A) Eighty percent of said amount shall be distributed among the counties in the same proportion that the amount of such agency's power sales revenue generated in each county, less direct sales by such agency to indus-

try, bears to the total amount of such agency's power sales revenue generated in all counties of the state served by such agency.

(B) Ten percent of said amount shall be distributed among the counties in the same proportion that the dollar value amount of such agency's properties and reservoir lands in each county bears to the total dollar value of all such agency's properties and reservoir lands in all counties served by such agency.

(C) Ten percent of said amount shall be distributed among the counties in the same proportion that the amount of such agency's direct power sales to industry in each county bears to the total amount of such agency's power sales revenue generated in such manner in all counties of the state served by TVA.

(2) Any amount received by any county directly from such agency as payment in lieu of taxes shall be paid over to the state for redistribution according to the formula provided in (1) hereof.

Any such payments by any other federal agencies shall be distributed on the basis of the value of the property located in a county. Any portion of a county's share of said payments is to be paid to the municipalities in the county in the same proportion that the population of each municipality bears to the population of the entire county. For the purposes of this section, the population of the county and each municipality therein shall be determined by the 1970 or any subsequent federal decennial census.

Section 2. An election upon this proposed amendment is ordered to be held on the first Tuesday after the first Monday in September of 1978, the date fixed by Act Number 69 adopted at the first Special Session of the 1977 Alabama Legislature as the date on which primary elections shall be held, or, if such date for primary elections shall be changed, on the date on which primary elections for the year 1978 are actually held or, if no primary election is held, on the date on which the general election for 1978 is held. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama of 1901, as amended, and in accordance with the provisions of Chapter 17 of Title 17 of the Code of Alabama 1975.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

Section 4. In the event any section, sentence, clause or provision of this Act shall be declared invalid by any court of competent jurisdiction, such action shall not affect the validity of the remaining sections, sentences, clauses or provisions of this Act, which shall continue in effect.

Mr. King offered the following amendment to the substitute for the Bill, H. B. 400, as amended, to-wit:

AMENDMENT TO SUBSTITUTE FOR H. B. 400

Amend House Bill 400, page 4 by adding a new subsection (1) to read as follows:

"(1) In addition to all other taxes levied each county may levy two mills of

ad valorem tax to pay reappraisal costs. This levy shall be removed at such time as the debt is retired."

Which was adopted.

And said substitute, as thus amended, for the Bill, H. B. 400, was then adopted.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Fine, Foshee, Gilmore, Goodwin, Higginbotham, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Owen, Pearson, Peden, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—30

Nays:

—0

Mr. Powell offered the following amendment to the Bill, H. B. 400, as amended, to-wit:

AMENDMENT TO H. B. 400, AS AMENDED

Amend H. B. 400, by adding a new subsection J(1) to read as follows:

J(1) All agricultural property tilled or cultivated in any given tax year exclusively for the production of food, feed or cotton, namely land used for peanuts, soybeans, cotton, vegetables, or any other edible product, land used for livestock, including mules, horses, cows, calves, hogs, sheep, goats and chickens."

On motion of Mr. Owen, said amendment was laid on the table.

Yeas 25; Nays 5.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Owen, Peden, Perry, Proctor, Roberts, St. John, Stewart, Vacca, Wilson.

—25

Nays:

Messrs. Foshee, Pearson, Powell, Teague, Waldrop.

—5

Mr. Adams offered the following amendment to the Bill, H. B. 400, as amended, to-wit:

AMENDMENT TO H. B. 400, AS AMENDED

Amend House Bill 400, page 4, lines 10-14 by restoring the words that are deleted to read "... but excluding for this purpose any assessment of

property added to the tax rolls of such county for the tax year in which such certification is made that was not included on the tax rolls for the next preceding tax year."

Which was adopted.

Yeas 21; Nays 7.

Abstaining 1.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Fine, Foshee, Gilmore, King, McDonald (S), McMillan, Mitchell, Pearson, Peden, Proctor, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—21

Nays:

Messrs. Goodwin, Higginbotham, Little, Mims, Owen, Perry, Powell.

—7

Abstaining: Mr. Ellis

—1

Mr. Baker offered the following amendment to the Bill, H. B. 400, as amended, to-wit:

AMENDMENT TO HOUSE BILL 400, AS AMENDED

Amend House Bill 400, page 3, lines 2-4 by restoring the words that are deleted to read "... but excluding for this purpose any assessment of new property not previously subject to taxation (not including in this exclusion "escaped" property) added to the tax rolls of such county for the tax year in which such certification is made that was not included on the tax rolls for the next preceding tax year."

Which was lost.

Yeas 10; Nays 20.

Yeas:

Messrs. Baker, Bank, Fine, Foshee, Goodwin, Little, McDonald (A), Mims, Owen, Perry.

—10

Nays:

Messrs. Adams, Edwards, Ellis, Gilmore, Higginbotham, King, McDonald (S), McMillan, Mitchell, Pearson, Peden, Powell, Proctor, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—20

And said Bill, H. B. 400, as thus amended, was read a third time at length as required by the Constitution and passed.

Yeas 30; Nays 2.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Foshee, Gilmore,

Goodwin, Higginbotham, King, Little, McDonald (A), McMillan, Mims, Mitchell, Owen, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—30

Nays: Messrs. McDonald (S), Pearson.

—2

Mr. Owen moved that the Senate reconsider the vote by which the Bill, H. B. 400, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

The Bill:

H. 401. To further amend Section 40-8-1, Code of Alabama 1975, as last amended so as to adjust the ratio of assessed value to fair and reasonable market value of property in certain counties; and to provide a property tax credit for increased taxes paid as a result of early completion of reappraisal in certain counties.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, H. B. 401, to-wit:

COMMITTEE AMENDMENT TO H. B. 401

Amend House Bill 401, Section 1, page 4, after the last county listed by adding the following:

COUNTY	CLASS I	CLASS II	CLASS III
Montgomery	30%	25%	10%

Which was adopted.

Yeas 22; Nays 1.

Yeas:

Messrs. Adams, Bank, Edwards, Fine, Foshee, Gilmore, Little, McDonald (A), McMillan, Mims, Mitchell, Peden, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—22

Nay: Mr. Pearson

—1

The Standing Committee on Finance and Taxation then reported the following amendment to the Bill, H. B. 401, as amended, to-wit:

COMMITTEE AMENDMENT TO H. B. 401, AS AMENDED

Amend House Bill 401, Section 1, page 4, by deleting the following:

COUNTY	CLASS I	CLASS II	CLASS III	CLASS IV
Washington	35%	25%	10%	10%”

and adding after the last county listed in House Bill 401, or listed by the process of amendment, the following:

COUNTY	CLASS I	CLASS II	CLASS III
Washington	35%	15%	10%”

Which was adopted.

Yeas 22; Nays 1.

Yeas:

Messrs. Adams, Bank, Edwards, Fine, Foshee, Gilmore, Little, McDonald (A), McMillan, Mims, Mitchell, Peden, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—22

Nay: Mr. Pearson.

—1

Mr. Wilson offered the following amendment to the Bill, H. B. 401, as amended, to-wit:

SENATE AMENDMENT TO H. B. 401, AS AMENDED

Amend H. 401 by deleting subsection (e) of Section 1 beginning on page 2 in its entirety and substituting in lieu thereof the following:

“(e) In the following designated counties taxable property shall be assessed at the ratio of assessed value to fair and reasonable market value for each class of property at the ratio indicated:

COUNTY	CLASS I	CLASS II	CLASS III
Morgan	10%	20%	15%
Limestone	30%	20%	10%
Etowah	30%	20%	10%
Clay	30%	20%	10%
Cleburne	30%	20%	10%
Barbour	30%	15%	10%
Coffee	30%	15%	10%
Bullock	30%	15%	10%
Hale	30%	15%	15%
Wilcox	30%	15%	15%
Monroe	30%	15%	15%
Randolph	30%	15%	15%
Perry	30%	15%	15%
Bibb	30%	25%	10%
Houston	30%	20%	10%

Dale	30%	20%	10%
Henry	30%	20%	10%
Jefferson	30%	25%	10%
Calhoun	30%	20%	10%
Mobile	30%	20%	10%
Baldwin	30%	15%	10%
St. Clair	30%	15%	10%
Greene	30%	25%	10%
Choctaw	30%	15%	10%
COUNTY	CLASS I	CLASS II	CLASS III
Sumter	30%	15%	10%
Colbert	30%	25%	10%
Franklin	30%	25%	10%
DeKalb	30%	25%	10%
Pike	30%	20%	10%
Marshall	30%	25%	10%
Cherokee	30%	20%	10%
Tallapoosa	30%	25%	10%
Butler	30%	20%	10%
Crenshaw	30%	20%	10%
Walker	30%	25%	10%
Winston	30%	25%	10%
Elmore	30%	25%	10%
Shelby	30%	20%	10%
Washington	30%	15%	10%
Macon	30%	15%	10%
Tuscaloosa	30%	25%	10%
Pickens	30%	25%	10%
Geneva	30%	25%	10%
Covington	30%	25%	10%
Talladega	30%	20%	10%
Conecuh	30%	25%	10%
Lauderdale	30%	25%	10%
Montgomery	30%	25%	10%”

On motion of Mr. Waldrop, said amendment was laid on the table.

Yeas 11; Nays 5.

Yeas:

Messrs. Adams, Baker, Ellis, King, McDonald (A), Mims, Mitchell, Perry, Shelby, Stewart, Waldrop.

—11

Nays:

Messrs. Fine, Perloff, St. John, Vacca, Wilson.

—5

Messrs. McDonald (A), King, Baker, Mitchell, Mims, Foshee, Powell, McDonald (S), Fine, and Proctor offered the following amendment to the Bill, H. B. 401, as amended, to-wit:

SENATE AMENDMENT TO H. B. 401

Amend H. B. 401, Page 4, Section 1, Subsection (e), by adding to the list of designated counties the following:

	"CLASS I	CLASS II	CLASS III
Madison	30%	25%	10%
Autauga	30%	25%	10%
Jackson	30%	25%	10%
Clarke	30%	25%	10%
Escambia	35%	20%	10%
Monroe	30%	15%	10%
Covington	30%	20%	10%
Coffee	30%	20%	10%
Geneva	30%	20%	10%
Marshall	30%	25%	15%
Coosa	30%	20%	10%

Amend House Bill 401, Section 1, page 4, after the last county listed in House Bill 401, or listed by the process of amendment, the following:

COUNTY	CLASS I	CLASS II	CLASS III
Fayette	35%	20%	10%
Lamar	35%	20%	10%
Marion	35%	20%	10%

Which was adopted.

Yeas 27; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Fine, Foshee, Gilmore, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, St. John, Stewart, Teague, Vacca, Waldrop, Wilson.

—27

Nays:

—0

Messrs. Adams, Fine and Mims offered the following amendment to the Bill, H. B. 401, as amended, to-wit:

SENATE AMENDMENT TO H. B. 401, AS AMENDED

Amend House Bill No. 401 Page 3 Line 7, by striking out Barbour 30% 20% 10% and inserting in lieu thereof

Barbour	30%	15%	10%
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Also on line 27 by striking out Colbert 30% 25% and 10% and inserting in lieu thereof

Colbert	35%	20%	10%
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also on line 28 by striking out Franklin 30% 25% and 10% and inserting in lieu thereof Franklin 35% 20% 10%

also on line 12 by striking out Monroe 30% 15% and 15% and insert in lieu thereof Monroe 30% 15% and 10%

Which was adopted.

Yeas 23; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Foshee, Gilmore, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Owen, Perloff, Perry, Powell, St. John, Stewart, Teague, Waldrop.

—23

Nays:

—0

And said Bill, H. B. 401, as thus amended, was read a third time at length and passed.

Yeas 26; Nays 1.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Foshee, Gilmore, Higginbotham, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Owen, Peden, Perloff, Powell, St. John, Shelby, Stewart, Teague, Waldrop, Wilson.

—26

Nay: Mr. Pearson

—1

The Bill:

H. 402. To amend Section 40-7-15, Code of Alabama 1975, relating to the assessment of taxes so as to further provide for determining the value of taxable property and providing for a pass-on of any benefits to public utilities.

was taken up.

Mr. Waldrop offered the following substitute for the Bill, H. B. 402, to-wit:

SUBSTITUTE FOR H. B. 402

A BILL
TO BE ENTITLED
AN ACT

To amend Section 40-7-15, Code of Alabama 1975, relating to the assessment of taxes so as to further provide for determining the value of taxable property.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-7-15, Code of Alabama 1975, is hereby amended to read as follows:

"Section 40-7-15. (1) For the purpose of assessment, real and personal property shall be estimated valued at its fair and reasonable market value, according to the best judgment the assessor, the board of equalization and agents of the department of revenue can form upon information, inspection or otherwise, taking into consideration all elements or factors bearing on such value as heretofore authorized; taking into consideration all elements or factors bearing on its value at the time of the assessment, but the value shall not be based on a speculative prospective value which the property might have if it were put to some other possible use, or handled in some other manner other than its use or the manner of its handling at the time of the assessment. The use to which the property is being put at the time of the assessment shall be conclusively presumed to be its highest and best use. In determining the value of farmland, the types and kind of soil, productivity of land, use of land, and net return to the land shall be given substantial weight and consideration, provided that no taxable property shall be considered valueless simply because it is not used or shows no net return from its use or rental. Mineral, coal, oil, gas, timber and turpentine interests when they have been severed in ownership from the soil, by sale or otherwise, shall be separately valued and assessed.

"(2) With respect to farm, pasture and forest land, by October 1 of each tax year, the county tax assessor in each county shall establish a value for good, medium and poor farm land, for good, medium and poor pasture land and for good, medium and poor forest land. These nine values shall reflect the value of property in each such subclass in the county for property for which the property's highest and best use and current use are the same. Each tax assessor shall file the values of each subclass of property for his county with the county Board of Equalization, and the values so filed shall be the current use value of each subclass of property which shall be applied to any property covered by an application for current use valuation under the provisions herein during the tax year commencing on that October 1.

"Any owner of taxable real property who desires to have such property valued according to its current use on any assessment roll of any county may apply for such current use valuation by filing a written application with the

tax assessor of such county. Such application may be made upon forms prescribed by the State Department of Revenue and shall set forth a general description of the land, a general description of the use to which it is being put and such other information as may be helpful to the county tax assessor in determining whether the property, or a portion thereof, qualifies for current use valuation. The county tax assessor shall determine whether such property qualifies for current use valuation, and if the assessor determines that the property qualifies for current use valuation, he shall classify and include it as such on the county tax assessment roll.

"Any owner of any property or any person having an interest therein shall have the right to protest the denial of his application for current use assessment of his property and shall have the same rights and remedies and shall follow the same procedures for review of such denial as are provided to property owners protesting any other valuation placed on their property by tax assessors or boards of equalization. Any owner of any property or any person having an interest in property qualifying the current use valuation may follow such procedures for review of the subclass valuation established by the tax assessor pursuant to the first paragraph of Section 2 hereof.

"If property assessed, based on its current use, is changed to a use which results in a higher assessed value, such property shall be immediately subject to additional taxes, hereinafter referred to as "roll back" taxes, in an amount equal to the difference, if any, between (a) the taxes paid or payable on the basis of current use valuation and (b) the taxes that would have been paid or payable had the property been valued at the higher assessed value resulting from the said change in use. Such additional retroactive roll back taxes shall be due for the lesser of (a) the immediately preceding three tax years (including as one of such three years the year in which the use change occurs if the property will be taxed under such current use valuation for that year) or (b) the number of tax years for which the property was valued under current use valuation principles.

In the event that the use of any property valued under current use provisions is changed due to the suffering by the owner of damage or loss to the property arising from fire, storm, hurricane, tornado or other similar act of nature or other similar casualty, or in the event of condemnation or conveyance under threat of or in anticipation of condemnation, the roll back taxes provided herein shall not apply. All taxes due shall be payable upon certification of the county tax assessor. In the event property is sold all taxes due shall be paid by the buyer unless otherwise provided in the sales contract or agreement.

"Any decrease in ad valorem taxes paid by a public utility in Alabama as a result of this act, any other act or amendment to the Constitution, shall be passed on to the utilities customers in the form of lower rates. The Alabama Public Service Commission shall make the proper adjustments."

Section 2. In the even any section, sentence, clause or provision of this Act shall be declared invalid by any court of competent jurisdiction, such action shall not affect the validity of the remaining sections, sentences, clauses or provisions of this Act, which shall continue in effect.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Foshee, Gilmore, Higginbotham, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Waldrop, Wilson.

—30

Nays:

—0

Mr. Wilson offered the following substitute for the Bill, H. B. 402, as amended, to-wit:

SUBSTITUTE FOR H. 402, AS AMENDED

A BILL TO BE ENTITLED AN ACT

To amend Section 40-7-15, Code of Alabama 1975, relating to the assessment of taxes so as to further provide for determining the value of taxable property.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-7-15, Code of Alabama 1975, is hereby amended to read as follows:

Section 40-7-15. For the purpose of assessment, real and personal property shall be estimated valued at its fair and reasonable market value, according to the best judgment the assessor, the board of equalization and agents of the department of revenue can form upon information, inspection or otherwise, taking into consideration all the elements or factors bearing on such value as heretofore authorized, taking into consideration all elements or factors bearing on its value at the time of the assessment, but the value shall not be based on a speculative prospective value which the property might have if it were put to some other possible use or handled in some other manner other than its use or the manner of its handling at the time of the assessment. The use to which the property is being put at the time of the assessment shall be conclusively presumed to be its highest and best use. In determining the value of farmland, the types and kind of soil, productivity of land, use of land, and net return to the land shall be given substantial weight and consideration, provided that no taxable property shall be considered valueless simply because it is not used or shows no net return from its use or rental. Mineral, coal, oil, gas, timber and turpentine interests when they have been severed in ownership from the soil, by sale or otherwise, shall be separately valued and assessed." "Any increase or decrease in ad valorem taxes paid by a public utility in Alabama as a result of this act, any other act or amendment to the Constitution, shall be passed on to the utilities customers in the form of adjusted rates. The Alabama Public service Commission shall make the proper adjustments."

Section 2. In the event any section, sentence, clause, or provision of this Act shall be declared invalid by any court of competent jurisdiction, such action shall not affect the validity of the remaining sections, sentences, clauses or provisions of this Act, which shall continue in effect.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

On motion of Mr. Waldrop, said amendment was laid on the table.

Yeas 18; Nays 5.

Abstaining 2.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Higginbotham, King, Little, McDonald (A), Mims, Owen, Pearson, Perry, Powell, Proctor, Shelby, Stewart, Vacca, Waldrop.

—18

Nays: Messrs. Fine, Foshee, Peden, Perloff, Teague.

—5

Abstaining: Messrs. McDonald (S), Wilson.

—2

And said Bill, H. B. 402, as thus amended by the substitute, was read a third time at length and passed.

Yeas 26; Nays 2.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Foshee, Higginbotham, King, Little, McDonald (A), McMillan, Mims, Mitchell, Owen, Peden, Perloff, Powell, Proctor, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—26

Nays: Messrs. Gilmore, Pearson.

—2

The Bill:

H. 403. To amend Section 40-9-19, Code of Alabama 1975, to increase the homestead exemption from \$2,000 to \$5,000, such exemption being applicable to all state ad valorem taxes.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, H. B. 403, to-wit:

COMMITTEE AMENDMENT TO H. B. 403

Amend House Bill 403 by deleting "\$5,000" on line 12 of page 1 and inserting in lieu thereof "\$3,000.00".

Futher amend the bill by deleting "\$5,000" on line 22 on page 1 and inserting in lieu thereof "\$3,000.00".

Which was adopted.

Yeas 28; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Foshee, Gilmore,

Higginbotham, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Owen, Pearson, Peden, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Wilson.

—28

Nays:

—0

And said Bill, H. B. 403, as thus amended, was read a third time at length and passed.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Foshee, Gilmore, Higginbotham, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Stewart, Teague, Vacca, Waldrop, Wilson.

—30

Nays:

—0

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 408. The following bills shall be the paramount and continuing order of business for the 19th and 20th legislative days only, upon reaching bills on third reading, taking precedence thereafter over all other business for said day:

Bill No.	Description
S. B. 367	Sheriffs
S. B. 237	State Docks
S. B. 102	Diabetes Association
S. B. 458	Peace Officers annuity
S. B. 490	Folsom School
S. B. 407	UAB
S. B. 262	Mail delivery
S. B. 522	Small Business Assistance
S. B. 316	Health education
S. B. 12	Prison lands
S. B. 550	Criminal code
S. B. 549	Criminal code

On motion of Mr. Mims, the Resolution was adopted by the Senate.

SPECIAL ORDER
BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the next special, paramount, and continuing order of business for today, the first item of which was the Bill:

S. 367. To amend Section 36-22-16 of the Code of Alabama, 1975, to provide for the compensation of the sheriffs of the several counties in this state.

Mr. Baker offered the following amendment to the Bill, S. B. 367, to-wit:

AMENDMENT TO S. B. 367

Amend Senate Bill No. 367 Page 1, by striking out lines 23 and 24 and by substituting the following:

“\$19,500.00.”

On motion of Mr. Powell, said amendment was laid on the table.

Mr. Baker then offered the following amendment to the Bill, S. B. 367, to-wit:

AMENDMENT TO S. B. 367

Amend Senate Bill No. 367 Page 1 Lines 23 and 24, by striking out lines 23 and 24 after the word in their entirety and substituting thereof, the following:

\$18,500

MOTION TO ADJOURN LOST

At 12:45 P.M., Mr. Perloff moved that the Senate adjourn until Thursday, March 23, 1978, at 10 o'clock A.M., which motion was lost.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolutions and Senate Bills delivered to the Governor, with the date and hour of delivery, to-wit:

S. B. 204.

Delivered to the Governor, March 9, 1978, at 2:10 P.M.

S. J. R. 331 S. J. R. 358

S. J. R. 336 S. J. R. 344

S. J. R. 340 S. J. R. 364

S. J. R. 342 S. J. R. 365

S. J. R. 346 S. J. R. 367

S. J. R. 352

S. J. R. 369

Delivered to the Governor, March 23, 1978, at 10:35 A.M.

McDOWELL LEE,
Secretary.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

At 12:47 P.M., on motion of Mr. Perloff, pending further consideration of S. B. 367, the Senate adjourned until Thursday, March 23, 1978, at 10:05 A.M.

Yeas 15; Nays 10.

Yeas:

Messrs. Baker, Edwards, Ellis, Fine, McDonald (A), McDonald (S), Owen, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Wilson.

—15

Nays:

Messrs. Bank, Foshee, Gilmore, Higginbotham, Little, McMillan, Pearson, Perry, Stewart, Vacca.

—10

TWENTIETH LEGISLATIVE DAY

THURSDAY, MARCH 23, 1978

The Senate met pursuant to adjournment, Lieutenant Governor Beasley, presiding.

PRAYER

The Session was opened with prayer by Mr. Ronnie Missildine, Associate Minister, Lakewood Church of Christ, Montgomery, Alabama.

ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—34

JOURNAL

On motion of Mr. Stewart, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Nineteenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

U. W. CLEMON,
Chairman.

COMMITTEE REPORT

On motion of Mr. Clemon, the foregoing report was concurred in and the Journal of the Senate for the Nineteenth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. Stewart, leave of absence was granted Mr. Jones for today.

SPECIAL ORDER

BILLS ON THIRD READING

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first item of which was the Bill:

S. 367. To amend Section 36-22-16 of the Code of Alabama, 1975, to provide for the compensation of the sheriffs of the several counties in this state.

The question was on the amendment offered by Mr. Baker, which said amendment is set out in the Journal of the Senate for the Nineteenth Legislative Day.

On motion of Mr. Baker, said amendment was laid on the table.

Mr. Peden offered the following amendment to the Bill, S. B. 367, to-wit:

AMENDMENT TO S. B. 367

Amend S. B. 367 Page 1 Line 23-24 by striking out lines 23 and 24 in their entirety and substituting therefore the following: "\$22,500.00 commencing with the next term of office"

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Ellis, Fine, Foshee, Goodwin, Higginbotham, King, Little, McDonald (S), McMillan, Mims, Mitchell, Owen, Peden, Perloff, Perry, Powell, St. John, Shelby, Stewart, Vacca, Waldrop.

—24

Nays:

—0

Mr. Powell offered the following amendment to the Bill, S. B. 367, as amended, to-wit:

AMENDMENT TO S. B. 367 AS AMENDED

Amend S. B. 367 Page 1 by inserting at the end of subsection (a) the following:

"unless a higher salary is otherwise provided by law."

Which was adopted.

Yeas 29; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Foshee, Goodwin, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—29

Nays:

—0

And said Bill, S. B. 367, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Goodwin, Higginbotham, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Owen, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Stewart, Teague, Vacca, Waldrop, Wilson.

—30

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Smith (B):

H. J. R. 511. REQUESTING THAT THE REVENUE DEPARTMENT ABIDE BY AND IMPLEMENT ACT 594 OF THE 1977 REGULAR SESSION PROVIDING FOR A NET OPERATING LOSS CARRYBACK AND CARRYOVER FOR STATE INCOME TAX PURPOSES.

WHEREAS, the Legislature of Alabama did duly enact Act 594 of the 1977 Regular Session providing a state income tax deduction for net operating loss carrybacks and carryovers; and

WHEREAS, it is the intent of the Legislature that this income tax deduction be extended to all Alabama taxpayers who are entitled to it by law; and

WHEREAS, it is the purpose of this legislation to permit taxpayers to carryback losses against past income or carryforward losses against future income; and

WHEREAS, there are many Alabama taxpayers operating small businesses and farms who may suffer losses in such operations and are justly entitled to certain deductions in accordance with Act 594 of the 1977 Regular Session; and

WHEREAS, it has come to the attention of the Legislature that many Alabama taxpayers are unaware of this recently enacted deduction and that the Revenue Department is reluctant to implement and publicize this deduction; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Revenue Department is strongly urged to abide by and implement Act 594 of the 1977 Regular Session providing a state income tax deduction for net operating loss carrybacks and carryforwards.

BE IT FURTHER RESOLVED, That the Revenue Department shall forthwith seek to institute a program to inform the public through the news media of the availability of this deduction.

BE IT FURTHER RESOLVED, That the Revenue Department is directed to extend the time for any taxpayers to file or amend his return if the deadline for such taxpayer to file has already passed in order to give such taxpayer the opportunity to file a correct return.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 511, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Moore (W):

H. J. R. 508. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the report that the State Judicial Compensation Commission to the 1978 session of the Alabama Legislature is hereby rejected.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Supreme Court Justices by the Clerk of the House of Representatives.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 508, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

CALENDAR BILL INDEFINITELY POSTPONED

On motion of Mr. Noonan, consideration of the Bill, S. B. 237, was indefinitely postponed.

BILLS ON THIRD READING RESUMED

The Bill:

H. 94. To re-enact Act No. 703 enacted at the 1976 Regular Session of the Legislature of Alabama and to amend the Title and Sections 1, 3, 4, 6 and 8 thereof, to add a new Section 7 and to re-number subsequent sections accordingly; to increase the aggregate principal amount of revenue bonds therein authorized to be issued by the Alabama State Docks Department, to increase the maximum amount of and otherwise provide for the special processing charge therein created to pay the principal of and interest on the revenue bonds authorized therein, and to provide for the sale and issuance by the Department of refunding bonds.

Was read a third time and passed.

Yeas 29; Nays 0.

Yeas:

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Higginbotham, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Waldrop.

—29

Nays:

—0

The Bill:

S. 102. Relating to taxation, exempting the American Diabetes Association, Alabama Affiliate, Inc., a nonprofit corporation organized and existing under the laws of the State of Alabama, and its departments and agencies from the levy of the state sales and use taxes.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 28; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Higginbotham, King, Little, McDonald (A), McDonald (S), McMillan, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, St. John, Shelby, Teague, Vacca, Waldrop, Wilson.

—28

Nays:

—0

REPORTS OF COMMITTEES

Mr. Gilmore, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. McMillan (with notice and proof):

S. 631. Relating to Jefferson County; levying an additional 1% lodging tax to be used by the Greater Birmingham Convention and Visitors Bureau to be used for the promotion of Birmingham as a convention and visitors' destination; providing that the Director of Revenue shall collect such tax.

Mr. Baker, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Waldrop (with notice and proof):

S. 683. To provide for the filling vacancies in any elected county offices in Etowah County and to repeal all conflicting statutes.

By Mr. Waldrop (with notice and proof):

S. 684. To provide for the filling of vacancies in any elected Judicial Article offices in Etowah County and to repeal all conflicting statutes.

By Mr. Higginbotham (with notice and proof):

S. 689. Relating to Russell County; to change the method of compensating certain county officers, placing the officers on a salary and providing for a clerk hire allowance for each of such officers.

By Mr. Baker (with notice and proof):

S. 690. To further amend Section 13 of Act 418, S. 358, approved November 13, 1959 (Acts 1959, p. 1107), which Act authorized the governing body of DeKalb County, Alabama to impose a certain gasoline excise tax within said county so as to provide further for the disposition of the proceeds from such tax.

By Mr. Wilson (with notice and proof):

S. 691. To provide for the director's fee and expense allowance of the chairman and each member of the board of directors of the Jasper Utilities Board.

By Mr. Teague (with notice and proof):

S. 703. To alter, rearrange and extend the boundaries and corporate limits of the City of Pell City, St. Clair County, Alabama, so as to annex certain territory to the city.

By Mr. McCulley:

H. 105. To amend further Section 1 of Act No. 387, H. 969, Regular Session 1969 (Acts 1969, p. 764), as amended by Act No. 298, H. 720, Regular Session 1971 (Acts 1971, p. 602), which act provides for the issuance of pistol permits in certain counties classified on a population basis; so as to increase the cost of said pistol permits.

By Mr. Killian (with notice and proof):

H. 218. Providing for the establishment of a merit system for the Sheriff's Department of DeKalb County, Alabama, and a Merit System Board governing the removal and official conduct of employees of such department; defining violations of the act; imposing penalties for violations; and repealing conflicting laws.

MOTION TO ADJOURN

Mr. McDonald (S) moved that when the Senate adjourns today it adjourn to meet again on Tuesday, March 28, 1978, at 2 o'clock P.M., which motion was adopted.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Shelby:

S. 707. To require insurance companies which write liability insurance for automobiles, products, medical practitioners, and governmental sub-divisions to include in their annual reports to the Commissioner of Insurance a breakdown of policy premiums, claims information, underwriting income and loss, investment income, expenses, and other information which bears upon the profitability of business in this state, and to repeal conflicting laws.

Committee on Insurance.

By Mr. Shelby:

S. 708. To amend the Trade Practices Law, cited in Section 27, Chapter 12 of the Code of Alabama of 1975, which regulates trade practices in the business of insurance, so as to add and designate a new section therein, which section will prohibit certain institutions and entitles constituting or being part of the Farm Credit System and certain of their employees from being licensed to sell or solicit insurance and from selling and soliciting insurance; the procedures in connection with the implementation of this Act; to provide an effective date.

Committee on Insurance.

By Mr. McDonald (S):

S. 709. To amend further Article V, Section 116 of the Constitution of Alabama so as to provide that the governor and lieutenant governor shall not be eligible as his own successor.

Committee on Constitution and Elections.

The above Bill was read a first time at length as required by the Constitution.

By Mr. McDonald (A) (with notice and proof):

S. 710. Relating to Limestone County; to provide for an additional expense allowance for the court reporter of any judicial circuit composed only of Limestone County.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 710, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. McDonald (S) (with notice and proof):

S. 711. Relating to Marshall County; to provide that the salary commission of the county shall set the salaries and compensation of the members and employees of the board of registrars to be paid from county funds.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 711, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Perloff:

S. 712. To establish and regulate the involuntary emergency examination and treatment of persons who may be severely mentally disabled.

Committee on Health and Welfare.

By Messrs. Stewart and Teague (with notice and proof):

S. 713. Relating to Calhoun County; to provide for the salaries of certain officials of the county to become effective upon the expiration of the present terms of office of the incumbent officeholders, and to provide an expense allowance for the probate judge's office which will terminate upon the expiration of the present term of office of the probate judge.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 713, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Messrs. Teague and Stewart (with notice and proof):

S. 714. Relating to the Office of the Tax Assessor, Calhoun County; authorize the Tax Assessor to appoint a Deputy Assessor. Establish the duties of the Deputy Assessor with salary to be fixed by the County Commission.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 714, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Stewart:

S. 715. Relating to regulation of certain transactions with regard to obtaining control of a state bank or trust company.

Committee on Banking.

By Mr. Stewart:

S. 716. To amend Alabama Code 1975, Section 5-5-1, so as to provide that where an emergency exists which might cause closing and liquidating, the Superintendent of Banks may waive the three week publication requirement in order to permit formation of a new state bank insured by Federal Deposit Insurance Corporation which is participating in a purchase and assumption transaction under federal banking laws, such publication to occur after the new bank commerce business.

Committee on Banking.

By Mr. Clemon:

S. 717. Relating to banking; to provide for the establishment, with the prior consent of the Superintendent of Banks, of branch banking offices of banks organized under the laws of the State of Alabama within any county which was, on February 1, 1978, in the same Standard Metropolitan Statistical Area as the county within which the principal banking office of the bank is located; to provide for the continued maintenance of branch banking offices upon conversion, merger or consolidation of one or more banks; to permit any bank to establish, operate, maintain, remove or relocate offices, facilities or places of business other than principal or branch banking offices; to repeal acts inconsistent herewith; to provide that the provisions of this Act are severable and to provide for the effective date of this Act.

Committee on Banking.

By Messrs. Vacca, McMillan, Proctor, Gilmore, Ellis, Wilson and Clemon (with notice and proof):

S. 718. To provide for an Assistant Judge of Probate of Jefferson County and to prescribe the qualifications; duties and benefits of such Assistant Judge of Probate.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 718, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Vacca:

S. 719. Relating to banking; to provide for the establishment with the prior consent of the Superintendent of Banks, of branch banking offices of banks organized under the laws of the State of Alabama within the county wherein the bank maintains its principal banking office; to provide for the continued maintenance of branch banking offices upon the conversion, merger or consolidation of one or more banks; to permit any bank to establish, operate, maintain, remove or relocate offices, facilities or places of business other than principal or branch banking offices; to repeal acts inconsistent herewith; to provide that the provisions of this Act are severable and to provide for the effective date of this Act.

Committee on Banking.

By Mr. Stewart:

S. 720. To create and define the criminal offense of discharging a firearm into an occupied dwelling and to prescribe criminal penalties therefor.

Committee on Judiciary.

BILLS ON THIRD READING RESUMED

The Bill:

S. 458. To amend Sections 36-21-68 and 36-21-70 of the Code of Alabama 1975, so as to cut off monthly contributions for members of the Peace Officers' Annuity and Benefit Fund with 30 years or more service, and to effect a general increase in the schedule of benefits.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Foshee, Gilmore, Higginbotham, King, Little, McDonald (S), McMillan, Mims, Mitchell, Peden, Perloff, Perry, Proctor, St. John, Shelby, Teague, Waldrop.

—23

Nays:

—0

The Bill:

S. 490. To make an emergency supplemental appropriation from the Alabama Special Educational Trust Fund to the Randolph County Board of Education to be used to restore or replace the Folsom Junior High School which was damaged by fire.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Foshee, Gilmore, Higginbotham, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Peden, Perloff, Perry, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Waldrop.

—26

Nays:

—0

The Bill:

S. 407. Relating to genetics service in public health so as to provide for the University of Alabama in Birmingham Medical Genetics Center expanding its program to provide diagnostic facilities, genetic counseling and prenatal testing for genetic disorders in order to encourage prevention of birth defects and mental retardation; and appropriating an additional \$100,000.00 from the Special Educational Trust Fund to implement the program provided for in this Act.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 27; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Gilmore, Goodwin, Higginbotham, Little, McDonald (S), McMillan, Mitchell, Noonan, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—27

Nays:

—0

The Bill:

S. 262. To provide that delivery personnel of any corporation, agency or business which charges a fee from patrons or customers for the purpose of delivering mail must use sidewalks and must not traverse lawns or other private property not normally used as a walkway.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Fine, Foshee, Goodwin, Higginbotham, Little, McDonald (A), McDonald (S), Mims, Mitchell, Noonan, Pearson, Peden, Perloff, Perry, Shelby, Stewart, Vacca, Wilson.

—22

Nays:

—0

The Bill:

S. 522. To amend Sections 25-10-3, 25-10-4 and 25-10-10, Code of Alabama 1975, known as the small business assistance act, so as to create a department of small and minority business enterprise; to provide powers and duties of the office; and to make a continuing appropriation.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Higginbotham, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Owen, Pearson, Peden, Perloff, Perry, Proctor, St. John, Shelby, Teague, Vacca, Waldrop.

—25

Nays:

—0

The Bill:

S. 316. To require health education of high school students in the public high schools of Alabama.

was taken up.

The Standing Committee on Health and Welfare reported the following substitute for the Bill, S. B. 316, to-wit:

COMMITTEE SUBSTITUTE FOR S. B. 316

A BILL
TO BE ENTITLED
AN ACT

To require comprehensive health education in the public schools of Alabama.

Be It Enacted by the Legislature of the State of Alabama:

Section 1. A comprehensive health program consists of three separate but strongly interrelated program elements—healthful school living, school health services, and health instruction. The basic body of knowledge of health instruction is composed of school principles related to healthful living of the individual, family, and community. It includes content in the following areas: consumer health, dental health, environmental health, family life, mental and emotional health, nutrition, personal health, prevention and control of disease, safety and accident prevention, and tobacco, alcohol and other drugs.

Section 2. Beginning in the school year 1979-80, high school students in the public high schools of Alabama shall receive one-half unit of credit upon the completion of an approved course in health education, the content of such course and the qualifications of instructors to be determined by the State Department of Education under the direction of the State Superintendent of Education. Such instructor shall meet at least the same requirements as those applicable to other instructors in the high schools of Alabama. The course itself shall consist of a full semester of work.

Section 3. Beginning with pupils who enter the tenth grade during the school year 1982-83, all pupils in the public high schools of Alabama will be required to have successfully completed an approved one semester course in health education before high school graduation, the contents of the course to be determined by the State Department of Education.

Section 4. All laws or parts of laws which conflict with this Act, to the extent of such conflict, are hereby repealed.

Section 5. The provisions of this Act are severable. If any portion of this Act be held unconstitutional or invalid, it shall not affect any portion of this Act not in itself unconstitutional or invalid.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Mr. Bank offered the following amendment to the substitute for the Bill, S. B. 316, to-wit:

AMENDMENT TO COMMITTEE SUBSTITUTE FOR S. B. 316

Amend Senate Health and Welfare Committee Substitute to Senate Bill 316 by adding on page 2, section 3, line 13, the following:

"Any pupil whose parent or guardian presents to the school principal a signed statement that the teaching of disease, its symptoms, development and treatment, and the use of instructional materials of such subjects conflict with the religious teachings of his church, shall be exempt from such instruction and no pupil so exempt shall be penalized by reason of such exemption."

Which was adopted.

And said substitute, as thus amended, for the Bill, S. B. 316, was adopted by the Senate.

Yeas 27; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Goodwin, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca.

—27

Nays:

—0

And said Bill, S. B. 316, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Fine, Gilmore, Goodwin, Higginbotham, Little, McDonald (S), McMillan, Mims, Mitchell, Noonan, Peden, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca.

—25

Nays:

—0

The Bill:

S. 12. To authorize the governor of the state to execute and deliver a deed conveying to the Alabama Corrections Institution Finance Authority, created pursuant to Act No. 678, S. 216, 1965 Regular Session, as amended and codified in Code of Alabama 1975, Title 14, Chapter 2, all lands of the State Board of Corrections in Sections 17 and 20, Township 18 North, Range 19 East, Elmore County, Alabama, known as "Whitman Field"; to provide that said property shall be sold within one year of the effective date of this Act; to provide for an installment sale and purchase money mortgage; to provide that the proceeds from such public offering and sale be placed in a special account in the state treasury and be disbursed as capital outlay on order of the Alabama Corrections Institution Finance Authority in the constructing, reconstructing or equipping of one or more facility for the Board of Corrections.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Higginbotham, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Waldrop.

—30

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Martin, Sparks, Cates, McCorquodale, Hill, McCulley, Lee, Smith (J), Younce, Pegues, Dial, Andrews, Moore (W), Crawford, Gafford, Plaster, Folmar, Smith (M), Ford, Morris, Baker, Mitchem, McNair, Naramore, Johnson, Biddle, McCluskey, Carothers, Drake, Coburn, Riddick, Albright, Boles, Merrill, Roberts, Hines, Shelton, Kinsey, Clark, Manley, Turnham, Campbell, Falkenburg, Sasser, Smith (B), White, Waggoner, Callahan, Owens, Smith (C), Hilliard, Hopping, Ward, Venable, Quarles, Carter, Shoemaker, Starkey, Cross, Warren, Harris, Lockett and Goodwin:

H. 854. To amend Code of Alabama 1975, Section 17-4-14, which relates to the preparation and publication of poll lists so as to change the dates of said publication.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 854. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Merrill:

H. 541. To name the International House at Jacksonville State University "The Clarence W. Daugette, Jr. House."

Also:

By Messrs. Johnson and Robertson:

H. 841. To amend Sections 16-17-7, 16-17-16 and 16-17-19 of the Code of Alabama 1975, so as to provide for further powers of the Board of Directors of the Authority; to provide additional instructions relating to payment of earning of the Authority; to provide for a determination as to when and where title shall vest after full payment of certain bonds; and to provide for retroactive effect.

Also:

By Messrs. Robertson, Crowe, Johnson, Clark and Owens:

H. 891. To name that portion of Alabama Highway 69 from Tuscaloosa, Tuscaloosa County, Alabama, to Greensboro in Hale County, Alabama, the "Victor Poole Highway."

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 541, 841, and 891. To the Committee on Finance and Taxation.

CALENDAR BILLS POSTPONED

On motion of Mr. St. John, consideration of the Bills, S. B.'s 550 and 549, was postponed until the next Legislative Day as Unfinished Business.

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 409. The following bills shall be the paramount and continuing order of business for the 20th and 21st legislative days only, upon reaching bills on third reading, taking precedence thereafter over all other business for said day:

Bill No.	Description
S. B. 470	Medicaid
S. B. 424	Motor vehicles
S. B. 425	Tag transfers
S. B. 98	Highway Department
S. B. 7	Curators Bill
S. B. 200	Investment Committee
S. B. 568	Publication of votes
S. B. 198	Department of Revenue

S. B. 83	Civil Defense
S. B. 54	Motor vehicles
S. B. 265	Regulation of Insurance
S. B. 288	Names building
S. B. 376	Sheriffs
S. B. 475	Eminent domain—University of North Alabama
S. B. 208	Firefighters
S. B. 28	Retirement
S. B. 183	Agriculture exemptions
S. B. 601	State employees
S. B. 207	American Legion
S. B. 430	Reserve troopers
S. B. 509	Probate Judges
S. B. 194	Cemetery regulations
S. B. 144	Naming a Armory

On motion of Mr. Clemon, the Resolution was adopted by the Senate.

SPECIAL ORDER

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first item of which was the Bill:

S. 470. To exempt Alabama World War I pensioners from all income requirements in determination of their eligibility for benefits under the Alabama Medicaid Program.

Mr. Stewart offered the following substitute for the Bill, S. B. 470, to-wit:

SUBSTITUTE FOR S. B. 470

A BILL TO BE ENTITLED AN ACT

To exempt the World War I pensions received by Alabama residents from income requirements in determination of eligibility for benefits under the Alabama Medicaid Program.

Be It Enacted by the Legislature of Alabama:

Section 1. The monthly pension benefits received by Alabama residents on account of active military service in the armed forces of the United States during World War I shall be exempt from income requirements in determination of eligibility for benefits under the Alabama Medicaid Program.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 23; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Perloff, Proctor, St. John, Stewart, Vacca.

—23

Nays:

—0

And said Bill, S. B. 470, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 27; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Ellis, Fine, Foshee, Gilmore, Higginbotham, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, St. John, Shelby, Stewart, Teague, Vacca, Waldrop.

—27

Nays:

—0

POINT OF PERSONAL PRIVILEGE

Mr. Noonan stated that, had he been present when the votes were taken on passage of the Bills, H. B.'s 400, 401, 402, and 403, he would have voted "Aye".

RESOLUTION

Mr. King offered the following Senate Joint Resolution, to-wit:

S. J. R. 410. EXPRESSING THE LEGISLATIVE INTENT WITH REGARD TO KING AMENDMENT TO THE PEDEN SUBSTITUTE TO HOUSE BILL 400 WHICH WAS ADOPTED ON MARCH 22, 1978, WHICH STATES AS FOLLOWS:

Amend House Bill 400, Page 4 by adding a new subsection (1) to read as follows:

"(1) In addition to all other taxes levied each county may levy two mills of ad valorem tax to pay reappraisal costs. This levy shall be removed at such time as the debt is retired."

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, That: It is and was the express intent of both Houses of the Legislature that the two mills of ad valorem tax to pay reappraisal cost is to be levied by the County for the benefit of all ad valorem taxing entities and/or agencies within each County. Any sums collected will be applied on a pro rata basis as provided for in Act No. 160 of the Third Special Session of the 1971 Legislature.

On motion of Mr. King, the Rules were suspended and the Resolution was adopted by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

S. 424. Relating to motor vehicle dealers; providing for the licensing of motor vehicle dealers, reconditioners, or rebuilders, and wholesalers, providing for qualifications and fees, including the requirement that motor vehicle dealers have a state sales tax number; prescribing information to be included in application; requiring certain records to be kept; providing a penalty; providing for suspension or revocation of license; requiring a bond or evidence of net worth; providing for severability; providing an effective date.

was taken up.

The Committee on Commerce, Transportation, and Utilities reported the following substitute for the Bill, S. B. 424, to-wit:

SUBSTITUTE FOR S. B. 424

A BILL
TO BE ENTITLED
AN ACT

Relating to motor vehicle dealers; providing for the licensing of motor vehicle dealers, reconditioners, or rebuilders, and wholesalers, providing for qualifications and fees, including the requirement that motor vehicle dealers have a State sales tax number; prescribing information to be included in application; requiring certain records to be kept; providing a penalty; providing for suspension or revocation of license; requiring a bond or evidence of net worth; providing for severability; providing an effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. The following words, terms and phrases when used in this section shall have the meanings respectively ascribed to them in this subsection, except where the context clearly indicates a different meaning:

- (a) "Commissioner" means the state commissioner of revenue.
- (b) "Motor Vehicle" means any motor vehicle as defined in §40-12-240, Code of Alabama 1975, as amended, but shall not include trailers, semi-trailers or house trailers as defined in §40-12-240, Code of Alabama 1975, as amended.
- (c) "Motor Vehicle Dealer" means any person, firm or corporation engaged in the business of buying, selling, exchanging or negotiating the sale of motor vehicles at retail, whether or not such motor vehicles are owned by such person, firm or corporation, or in offering or displaying motor vehicles for sale at retail to the public. The term "selling" or "sale" shall include lease-purchase transactions. The term "Motor Vehicle Dealer" does not include banks and finance companies who acquire motor vehicles as an incident to their regular business and does not include motor vehicle rental and leasing companies. Nor shall this include an individual or firm disposing of a motor vehicle required for his or its use.
- (d) "Motor Vehicle Reconditioner" means any person, firm or corpora-

tion engaged in the business of refurbishing, repairing, or replacing damaged parts of motor vehicles for the purpose of preparing such vehicle for resale under the same identification and identity as the vehicle bore before such refurbishing.

(e) "Motor Vehicle Rebuilder" means any person, firm or corporation engaged in the business of making or causing to be made extensive repairs, replacements, or combination of different motor vehicles to the extent of extinguishing identity of the original vehicle to the extent that the finished motor vehicle must be assigned a new identification to be issued by the Department of Revenue under the provision of Act No. 76, 1973 Regular Session.

(f) "Motor Vehicle Wholesaler: means any person, firm or corporation engaged in the business of buying, selling or exchanging motor vehicles at wholesale to motor vehicle dealers as defined in this Act and not to the public.

Section 2. License required. No person shall be licensed as an automobile dealer under the provisions of §40-12-51, Code of Alabama 1975, nor shall any person engage in business as, serve in the capacity of or act as a motor vehicle dealer, motor vehicle reconditioner, motor vehicle rebuilder, or motor vehicle wholesaler in this state without first obtaining a license therefor as provided in this Act, and if a motor dealer, a State sales tax number.

Section 3. Application and fee.

(a) The application for said license shall be in such form and shall be subject to such rules and regulations as may be prescribed by the commissioner. Such application shall be verified by the oath or affirmation of the applicant. If the applicant is a sole proprietorship, the application shall contain the name and residence of the applicant. If the applicant is a partnership, the application shall contain the names and residences of each partner thereof. If the applicant is a corporation, the application shall contain the names and residences of the officers and directors thereof. If the applicant is a motor vehicle dealer, the application shall contain the State sales tax number assigned to the applicant. The application shall describe the exact location of the place of business and shall state that such location is a permanent one; that such location affords sufficient space upon and within which to adequately display one or more motor vehicles offered for sale and that an appropriate sign designates the location as being the place of business of a motor vehicle dealer; that it is a suitable place from which the applicant can in good faith carry on such business and keep and maintain books and records necessary to conduct such business, which shall be available at all reasonable hours for inspection by the commissioner. The applicant shall certify that the business of a motor vehicle dealer, motor vehicle reconditioner, motor vehicle rebuilder or motor vehicle wholesaler is the principal business which shall be conducted at such location. The application shall state that the applicant is either: (1) franchised by a manufacturer of motor vehicles, and, if so, the name of the manufacturer that the applicant is authorized to represent, or (2) an independent motor dealer, reconditioner, rebuilder or wholesaler. Upon making such application the person applying therefor shall pay an application fee of Ten Dollars (\$10.00) to the commissioner in addition to any other fees now required by law. The Commissioner may cause an investigation to be made and upon being satisfied that the facts set forth in the application are true, shall issue a license to the applicant.

(b) Provided, however, that a motor vehicle reconditioner, motor vehicle rebuilder, or a motor vehicle wholesaler shall not be required to maintain a sign designating the location, and may maintain books, records, and files of his business at his home, provided that such books, records and files shall be accessible and available for inspection by the commissioner, his inspectors or employees, during normal business hours on usual business days; and the location may be adjacent to his residence.

(c) Provided further that if a motor vehicle reconditioner, a motor vehicle rebuilder or a motor vehicle wholesaler shall also be a motor vehicle dealer within the meaning of this Act that he shall qualify with the commissioner both as a motor vehicle dealer and motor vehicle reconditioner or motor vehicle rebuilder or motor vehicle wholesaler, and shall file his application and pay the fee for each business, and shall comply with the requirements of paragraphs 3(a) and 3(b) of this Act as to the business location for each business licensed by the commissioner.

(d) Provided further that a motor vehicle reconditioner, motor vehicle rebuilder, or motor vehicle wholesaler may not sell any motor vehicles or component parts thereof to anyone other than a licensed motor vehicle dealer, motor vehicle wholesaler, or other motor vehicle reconditioner or motor vehicle rebuilder, or as salvage.

Section 4. License certificate. A license certificate shall be issued by the commissioner in accordance with such application when the same shall be in compliance with the provisions of this Act. Such license shall entitle the licensee to carry on and conduct the business of a motor vehicle dealer, motor vehicle reconditioner, motor vehicle rebuilder, or motor vehicle wholesaler as the case may be for a period of one year from the first day of October of each year.

Section 5. Supplemental license. A person licensed hereunder shall obtain a supplemental license for each additional place of business, on a form to be furnished by the commissioner and upon payment of an additional application fee of five dollars (\$5.00) for each such additional location. Only one licensed dealer shall operate at the same place of business, provided that a licensed motor vehicle reconditioner or motor vehicle rebuilder may operate on the premises for which he is licensed to operate as a motor vehicle dealer.

Section 6. Records to be kept by licensee. Every licensee shall keep books and records in such form as may be approved by the commissioner, in which he shall record the purchase, sale or exchange or receipt for the purpose of sale of every motor vehicle purchased or sold or held for sale by him which shall include a description of each vehicle together with the name and address of the seller, purchaser or owner of vehicles held by him for sale. Such description shall include the identification number of each such vehicle and shall also include a statement that the identification number has been obliterated, defaced or changed if such be the fact.

Section 7. Penalty. Any person violating any of the provisions of this Act shall be guilty of a misdemeanor upon conviction and shall be punished by a fine of not less than two hundred fifty dollars (\$250.00) nor more than one thousand dollars (\$1,000.00), or by imprisonment in the county jail for not less than thirty (30) nor more than ninety (90) days, or by both such fine and imprisonment.

Section 8. Suspension or revocation. The commissioner may suspend or

revoke any license issued for the wilful and intentional failure of the licensee to comply with the provisions of this Act or to wilfully fail to maintain his business premises, location and sign as described in his application. However, at least ten (10) days notice of the intention to revoke such license and of the reasons therefor shall be served by the commissioner on the licensee stating a time and place of a hearing thereon in the county of the licensee's residence.

Section 9. Any person, firm or corporation denied a license or whose license has been cancelled, suspended or revoked by the commissioner may file a petition within thirty (30) days thereafter in the Circuit Court of the county of his residence, and such court is hereby vested with jurisdiction to take testimony and examine into the facts of the case and to determine whether petitioner is entitled to a license or is subject to suspension, cancellation or revocation under the provisions of this Act.

Section 10. Bond or net worth statement. Annually before any license shall be issued to a motor vehicle dealer, motor vehicle reconitioner, motor vehicle rebuilder, or motor vehicle wholesaler, the applicant shall either deliver to the commissioner a good and sufficient surety bond, executed by the applicant as principal and by a corporate surety company qualified to do business in the State as surety, in the sum of five thousand dollars (\$5,000.00), or file with the commissioner as a part of the application, a condensed balance sheet as of a date not more than three (3) months prior to the date of issuance of such license in a form prescribed by the commissioner and sworn to by the applicant, evidencing a net worth of not less than twenty-five thousand dollars (\$25,000.00). Such bond shall be in a form to be approved by the commissioner, and shall be conditioned that the motor vehicle dealer, motor vehicle reconitioner, motor vehicle rebuilder or motor vehicle wholesaler shall comply with the conditions of any contract made by such dealer in connection with the sale or exchange of any motor vehicle and shall not violate any of the provisions of law relating to the conduct of the business for which he is licensed. Such bond shall be payable to the commissioner and to his successors in office, and shall be in favor of any person who shall suffer any loss as a result of any violation of the conditions hereinabove contained. Such bond shall be for the license period and a new bond or proper continuation certificate shall be delivered to the commissioner at the beginning of each license period; provided, however, that the aggregate liability of the surety in any one license year shall, in no event, exceed the sum of such bond. The provisions of this Section 10 shall not apply to motor vehicle dealers or wholesalers who hold a valid motor vehicle dealer license under §40-12-51 of the Alabama Code of 1975, or to motor vehicle rebuilders or reconitioners as defined in this Act who hold a valid business license to engage in such business as of April 1, 1978.

Section 11. Disposition of application fees collected. The commissioner shall deposit the application fees collected under the provisions of this Act in the general fund of the state.

Section 12. It is declared to be the legislative intent that, if any section, subsection, paragraph, sentence, clause or provision of this Act is held invalid, the remainder of the Act shall not be affected.

Section 13. This bill shall become law on October 1, next after its passage and approval by the Governor, or upon its otherwise becoming law.

Mr. Baker offered the following amendment to the substitute for the Bill, S. B. 424, to-wit:

SUBSTITUTE FOR SUBSTITUTE FOR S. B. 424

Amend S. B. 424 Page 6 Sec. 10 Line 34 by striking out the word "suffer" and by inserting on said line in lieu thereof the words "recover any judgment for".

Which was adopted.

Mr. Owen offered the following amendment to the substitute, as amended, for the Bill, S. B. 424, to-wit:

AMENDMENT TO SUBSTITUTE FOR S. B. 424, AS AMENDED

Amendment for S. B. 424, Section 3(a), page 3, lines 25-29 by deleting the sentence beginning on line 25 and ending on line 29 as follows:

tion by the commissioner. The applicant shall certify that the business of a motor vehicle dealer, motor vehicle reconditioner, motor vehicle rebuilder or motor vehicle wholesaler is the principal business which shall be conducted at such location. The application shall state that the applicant is

Which was adopted.

And said substitute, as thus amended, was then adopted by the Senate.

Yeas 24; Nays 0.

Yeas:

Messrs. Baker, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Little, McMillan, Mims, Mitchell, Owen, Pearson, Peden, Perry, Powell, Proctor, Roberts, Shelby, Stewart, Teague, Vacca, Wilson.

—24

Nays:

—0

And said Bill, S. B. 424, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

Yeas:

Messrs. Adams, Baker, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Little, McMillan, Mims, Mitchell, Owen, Peden, Perry, Powell, Proctor, Roberts, Shelby, Stewart, Teague, Vacca, Wilson.

—24

Nays:

—0

The Bill:

S. 425. To amend Sections 12-260 and 12-266 of Title 40, Code of Alabama 1975, and Act No. 35, Acts of Alabama, Regular Session, 1945, in order to provide for the report of change of ownership of a previously licensed motor vehicle and for the record of transfer of a motor vehicle license tag to be made to the Probate Judge of the County where the owner resides; to exempt licensed motor vehicle dealers from filing such reports of change of ownership

for vehicles held for sale; to provide procedures to be followed in making such reports and records; to increase the fee charged by the Probate Judge for recording the change of ownership of a motor vehicle to one dollar (\$1.00).

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Foshee, Gilmore, Higginbotham, King, Little, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Powell, Proctor, Roberts, Shelby, Vacca, Wilson.

—25

Nays:

—0

The Bill:

S. 98. To amend Sections 23-1-271, 23-1-273, 23-1-275, 23-1-278, 23-1-279, 23-1-280 and 23-1-288 of the Code of Alabama 1975, dealing with outdoor advertising so as to further regulate signs within 660 feet of a highway, and to provide for an increase in the permit fee for such signs.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, S. B. 98, to-wit:

COMMITTEE SUBSTITUTE FOR S. B. 98

A BILL TO BE ENTITLED AN ACT

To amend Sections 23-1-271, 273, 275, 278, 279, 280 and 288, a part of the division of the 1975 Code of Alabama, known as the "Highway Beautification Act—Outdoor Advertising"; so as to provide control of outdoor advertising signs outside of an urban area beyond 660 feet of the right-of-way of interstate or primary highway systems; to provide for Court proceedings, evidentiary matters and procedures; to provide for just compensation for removal of such signs; to provide for a permit fee for the erection of such signs; and to provide penalties for violations.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 23-1-271, 273, 275, 278, 279, 280 and 288, a part of the division of the 1975 Code of Alabama, known as the "Highway Beautification Act—Outdoor Advertising", are hereby amended as follows:

"Section 23-1-271. For the purposes of this division, unless otherwise indicated, the following terms shall have the meanings respectively ascribed to them by this section:

"(1) Business area. Any part of an adjacent area which is at any time zoned for business, industrial or commercial activities under the authority of any law of this State; or not zoned, but which constitutes an unzoned commercial or industrial area as defined in this section.

"(2) Centerline of the highway. A line equidistant from the edges of the

median separating the main-traveled ways of a divided highway, or the centerline of the main-traveled way of a non-divided highway.

"(3) Director. The State of Alabama Highway Department.

"(4) Adjacent area. An area which is adjacent to and within 660 feet of the nearest edge of the right-of-way of any interstate or primary highway, which 660 feet distance shall be measured horizontally along a line normal or perpendicular to the centerline of the highway.

"(5) Erect. To construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish; but it shall not include any of the foregoing activities when performed as an incident to the change of advertising message or customary maintenance of the sign structure.

"(6) Interstate highway. Any highway at any time officially designated as a part of the National System of Interstate and Defense Highways by the Director and approved by the appropriate authority of the federal government.

"(7) Maintain. To allow to exist.

"(8) Primary highway. Any highway, other than an interstate highway at any time officially designated as a part of the federal-aid primary system by the Director and approved by the appropriate authority of the federal government.

"(9) Sign. Any outdoor advertising sign, display, device, notice, figure, painting, drawing, message, placard, poster, billboard, or other thing, which is designed, intended or used to advertise or inform, any part of the advertising or informative contents of which is visible from any place on the main-traveled way of any portion of an interstate highway or primary highway.

"(10) An unzoned commercial, business or industrial area. The land occupied by the regularly used building, parking lot, storage or processing area of a commercial, business, or industrial activities, and that land within 600 feet thereof on each side of the highway. The unzoned area shall not include: a. land on the opposite side of an interstate or primary freeway highway from an unzoned commercial, business, or industrial area, as defined above. b. land predominantly used for residential purposes. c. land zoned by state or local law, regulation or ordinance. d. land on the opposite side of a non-freeway primary highway which is determined scenic by the department of highways.

"All measurements shall be from the outer edges of the regularly used buildings, parking lots, storage or processing areas of the commercial or industrial activities, not from the property lines of the activities, unless said property lines coincide with the limits of the regularly used buildings, parking lots, storage or processing areas and shall be along or parallel to the edge or pavement of the highway.

"(11) Commercial or industrial activities for purposes of unzoned industrial and commercial areas. Those activities generally recognized as commercial or industrial by local zoning authorities in this state, except that none of the following activities shall be considered commercial or industrial.

"a. Outdoor advertising structures.

"b. Agricultural, forestry, ranching, grazing, farming and similar activities, including but not limited to wayside fresh produce stands.

"c. Activities normally or regularly in operation less than three months of the year.

"d. Transient or temporary activities.

"e. Activities not visible from the main-traveled way.

"f. Activities more than 660 feet from the nearest edge of the right-of-way.

"g. Activities conducted in a building principally used as a residence.

"h. Railroad tracts and minor sidings.

"i. Areas which are predominantly used for residential purposes.

"12. Safety rest areas shall mean an area or site established or maintained within or adjacent to the right-of-way by or under public supervision or control for the convenience of the traveling public.

"13. Information Center shall mean an area or site established or maintained at safety rest areas for the purpose of informing the public of places of interest within the state and providing such other information as the Director may consider necessary.

"14. Main-traveled way shall mean the through traffic lanes exclusive of frontage roads, auxiliary lanes and ramps.

"15. The term "urban area" means an area including and adjacent to a municipality or other urban place having a population of five thousand or more, as determined by the latest available Federal census, within boundaries fixed by responsible state and local officials, subject to approval by the Secretary of the United States Department of Transportation, whichever area is larger."

"Section 23-1-273. No sign shall, subject to the provisions of Section 23-1-274 of this act, be erected or maintained in an adjacent area after October 1, 1971, nor shall any outdoor advertising sign, display, or device with the purpose of its message being read from the main traveled way of an interstate highway or primary highway, be erected after the effective date hereof, outside of an urban area beyond 660 feet of the nearest edge of the right-of-way of an interstate or primary highway, except the following:

"A. Official directional signs.

"(1) Other official signs, including but not limited to signs pertaining to natural wonders, scenic and historical attractions, safety rest areas and information centers which are required or authorized by law the Director, and which comply with regulations under promulgated rule, and which will comply with regulations which shall be promulgated by the Director relative to their lighting, size, number, spacing, and other such requirements as may be appropriate to implement this act; provided that such regulations shall not be inconsistent with, nor more restrictive than, such national standards as may be promulgated from time to time by the Secretary of Transportation of the United States pursuant to subsection (c) of Section 131, of Title 23; United States Code.

"(2) Signs lawfully in existence on October 22, 1965, determined by the State, subject to the concurrence of the United States Secretary of Transpor-

tation, to be landmark signs, including signs on farm structures or natural surfaces, or historic or artistic significance, the preservation of which would be consistent with the purposes of this section are not required to be removed.

"(3) Signs advertising the sale or lease of property upon which they are located.

"(4) Signs advertising activities conducted on the property on which they are located. For the purposes of this Act, the promotion of activities at other locations or the dissemination of information about activities conducted upon other property shall not be considered activities conducted on the property on which a sign is located.

"(5) Signs located in business areas on October 1, 1971, and signs to be erected in business areas subsequent to October 1, 1971, which when erected, will comply with the provisions of Section 23-1-274 of this act; provided however, that no advertising sign, display, or device with the purpose of its message being read from the main traveled way, shall be erected after the effective date hereof outside an urban area beyond 660 feet of the edge of the right-of-way of an interstate or primary highway, whether located in a business area or not.

"(6) Signs or devices which advertise or designate exclusively the location of the facilities of any public utility located along the interstate or primary highway for the convenience or protection of the using public or the protection of the facilities of the public utility."

"Section 23-1-275. a. No sign permitted by the provisions of Section 23-1-274 may be erected without first obtaining a permit therefore from the Director. No permit shall be required for signs conforming to the provisions of this division which are in existence upon February 10, 1971, until the end of the fifth calendar year. The application for a permit shall be on a form provided by the Director and shall contain such information as the Director may require. Upon receipt of an application containing all required information in due form and properly executed, the Director shall issue a permit to the applicant for the erection of the sign provided; that such sign will not violate any provisions of this division. A charge of \$25.00 will be made for each location covered in the permit. The application for a permit shall be accompanied by the required fee.

"b. Permits shall be for the calendar year, and shall be renewed annually, upon payment of a fee of \$10.00 for the following calendar year without the necessity of filing a new application. The fee shall not be prorated for fractions of the year. Only one permit shall be required for double-faced, back-to-back or V-type signs. Advertising copy may be changed at any time without the payment of an additional fee and nothing in this division shall be construed to give the Director any power of censorship with regard thereto.

"c. Permit fees for signs under this division shall become due and payable on January 1st of each year and delinquent on February 15th thereafter. A 25% penalty shall be charged and collected for any delinquent permit issued after February 15th.

"d. In addition to the permit, the Director shall issue an identification tag or decal to the applicant upon payment of the fee which shall be permanently affixed to the sign, display or device for which the permit was issued. Such tag or decal shall be so affixed in a uniform position on all such signs, display, and devices. The size, location and content, including identification

numbers, and the materials from which such tags or decals are to be made shall be determined by the Director. All signs, display and devices which do not have the tag or decal attached thereto as provided in this Section, shall be considered as being nonconforming within the terms of this division.

"e. The director shall issue a permit for the sign, display or device described in any application duly made under this Section unless it is in violation of this division. Any permit may be revoked after a public hearing upon 30 days written notice if the Director finds that any statements made in the application thereof was false or misleading or that the advertising sign, display or device covered thereby is not in good general condition and in reasonable state of repair, or as otherwise in violation of this division; provided, that such false or misleading statement has not been corrected and that the sign, display or device has not been brought into compliance with this division prior to said public hearing. The Director for good cause shown at such hearing may extend the time within which such sign, display or device may be brought into conformance or other remedial action taken."

"Section 23-1-278. A Any sign erected or maintained in an adjacent area after February 10, 1971, and any outdoor advertising sign, display or device erected with the purpose of its message being read from the main traveled way of any interstate highway or primary highway outside of an urban area and beyond 660 feet of the right-of-way after the effective date hereof, in violation of the provisions of this division or the rules and regulations promulgated under the provisions of this division, may be removed by the Director, upon 30 days prior notice by certified or registered mail to the owner thereof and to the owner of the land on which said sign is located, or through Court proceedings at the option of the Director. No notice shall be required to be given to the owner of the sign or to a property owner whose name is not stated on the sign or on the structure on which it is displayed, or whose address is not stated thereon and is not on file with the Director.

"B. The Courts of this State shall have jurisdiction, in accordance with the provisions of sections 6-6-220 through 6-6-232, 1975 Code of Alabama, over actions for declaratory judgement, initiated by the Director, the owners of signs, or the owners of property on which signs are located, to determine and adjudicate controversies arising under or out of the enforcement of this Act and to set forth the rights, duties and responsibilities of the various parties arising under this Act including decrees of injunction and ordering removal of signs. In addition the Courts of this State shall have such injunctive powers as may be necessary to enforce or compel compliance with the provisions of this act in cases filed by the Director for injunction in the enforcement of this Act, including the power to enjoin the continuing maintenance of any sign erected or maintained in violation of the provisions of this Act, and the removal of any such signs on complaint filed by the Director. Proceedings hereunder being largely equitable in nature, the Courts shall set forth the rights, duties and responsibilities of the parties under this Act on the facts presented without intervention of a jury except as may be otherwise provided by statute or the Constitution of Alabama. In the event a sign or signs involved in any proceeding hereunder are found to be maintained, permitted to exist, or erected in violation of any of the provisions of this Act, the Court trying the cause, on being petitioned by the Director, shall order the removal of the sign or signs, subject to sections 23-1-280, 281 and 282 of this division where applicable, by the sign owner, or jointly by the sign owner and property owner if joined in the proceeding, or separately by the property owner; provided, however, that the Director, acting through personnel of the State of Alabama Highway Department, may remove such signs at the option

of the Director as provided herein or as ordered by the Court. Court costs shall be taxed against a sign owner or property owner on which a sign is located, if a Court determines that such parties have erected or maintained a sign in violation of this Act. Jurisdiction and procedure of Courts are not limited by this Act.

"C. In any proceeding hereunder in the Courts of this State, an allegation or averment setting forth the owner of the real property or the owner of a sign located thereon, to be a particular party or parties shall be deemed to establish prima facie ownership of the real property or the sign to be in such party or parties, respectively, unless within thirty days from the service of process upon them, such party or parties file in the proceeding a sworn denial of ownership and in addition thereto, set forth any interest in and to such real property or sign to which they claim to be entitled. In any proceeding hereunder in the Courts, employees of the State of Alabama Highway Department may testify, from general knowledge, that a particular highway is an interstate or primary highway or as to the location of geographical boundaries of urban areas, incorporated municipalities, and other zoned areas. In addition to other official maps, maps prepared by the State of Alabama Highway Department as to the location of geographical boundaries of urban areas hereunder shall be received in evidence in aid of establishment of such boundaries when offered on the general knowledge of employees of the highway department that such map or maps were prepared by the State of Alabama Highway Department for the purpose of establishing the geographical boundaries of an urban area.

"D. In the event a determination is made by the Director that a particular sign or signs have been erected or are being maintained or allowed to exist in violation of any of the provisions of this act, upon written notice to the owner of such sign or signs, such owner of the sign or signs shall have a duty to submit to the director all factual and documentary evidence in his possession, under his control, or reasonably obtainable by such sign owner relating to the date or dates of the erection of the sign, or signs, the names of individuals erecting same, and all information relating in any manner to the erection of the sign or signs, the names of individuals erecting same, and all information relating to any manner to the location thereof which would tend to have a bearing on whether the sign or signs were erected in violation of or are being maintained or allowed to exist in violation of any of the provisions of this act. All officers and employees of the State of Alabama Highway Department are hereby authorized and empowered to enter upon and go across any land located within the State of Alabama for the purpose of inspection of any sign determined by the Director to be in existence in violation of such act or any amendment thereto.

Any officer and employee of the State of Alabama Highway Department who, acting lawfully under this Act, enters upon or crosses any lands located within this state for the purpose of inspection or removal of any such sign and in and about the activity of inspection or removal of any such sign is hereby vested with full police power to arrest or prefer charges against any person or persons who interferes with the performance of his duty."

"Section 23-1-279. A. Signs outside of business areas which are lawfully in existence on February 10, 1971, but which do not conform to the requirements in this division are declared nonconforming, and subject to sections 23-1-280, 281 and 282 of this division, shall be removed by the end of the fifth year from the effective date of this Act the sign owner and/or property owner under agreement with the Director, or under the authority of the Director,

upon agreement between the parties as to just compensation. In the event no agreement can be reached as to just compensation, the sign shall be removed and payment made therefor through petition filed in Probate Court in accordance with section 23-1-282 of this division. Outdoor advertising signs, displays or devices with the purpose of their message being read from the main traveled way of any interstate highway or primary highway erected prior to the effective date hereof outside of an urban area and beyond 660 feet of the edge of the right-of-way of such interstate or primary highway and not otherwise lawful under section 23-1-273 hereof as amended are declared nonconforming, and subject to sections 23-1-280, 281 and 282 of this division, shall be removed by the sign owner and/or property owner under agreement with the Director, or under the authority of the Director, upon agreement between the parties as to just compensation. In the event no agreement can be reached as to just compensation, the sign shall be removed and payment made therefor through petition filed in Probate Court in accordance with section 23-1-282 of this division.

"B. Signs lawfully erected after February 10, 1971, and which subsequently do not conform to the requirements of this division shall be removed by the end of the fifth year after it becomes nonconforming, sign owner and/or property owner under agreement with the Director, or under the authority of the Director, upon agreement between the parties as to just compensation. In the event no agreement can be reached as to just compensation, the sign shall be removed and payment made therefor through petition filed in Probate Court in accordance with section 23-1-282 of this division.

"C. Should any commercial or industrial activity, which has been used in defining or delineating an unzoned area, cease to operate, the unzoned area shall be redefined or redelineated based on the remaining activities. Any signs located within the former unzoned area but located outside the unzoned area based on its new dimensions, shall become nonconforming, and subject to sections 23-1-280, 281 and 282 of this division, shall be removed by the sign owner and/or property owner under agreement with the Director, or under the authority of the Director, upon agreement between the parties as to just compensation. In the event no agreement can be reached as to just compensation, the sign shall be removed and payment made therefor through petition filed in Probate Court in accordance with Section 23-1-282 of this division.

"Section 23-1-280. Just compensation shall be paid upon the removal of any of the following signs which are not then in conformity with the provisions of this division.

"(1) Signs lawfully in existence on February 10, 1971.

"(2) Signs lawfully in existence on land adjoining any highway made an interstate or primary highway after February 10, 1971.

"(3) Outdoor advertising signs, displays or devices erected with the purpose of their message being read from the main traveled way of any interstate highway or primary highway erected outside of an urban area and beyond 660 feet of the edge of the right-of-way of such interstate or primary highway, erected prior to the effective date hereof, and not otherwise lawful under section 23-1-273 as amended.

"(4) Signs lawfully erected on or after February 10, 1971.

"Section 23-1-288. Whoever erects or maintains a sign in violation of the

provisions of this division or in violation of rules and regulations promulgated by the Director under the provisions of this division shall be guilty of a misdemeanor and shall upon conviction thereof, be fined not less than \$25.00 nor more than \$100.00 and shall upon conviction thereof be punished as in cases of misdemeanor under the laws of this State."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 24; Nays 0.

Abstaining 1.

Yeas:

Messrs. Adams, Baker, Bank, Ellis, Fine, Foshee, Goodwin, Higginbotham, King, Little, McDonald (A), McMillan, Mims, Mitchell, Owen, Pearson, Peden, Perry, Powell, Proctor, Shelby, Stewart, Vacca, Wilson.

—24

Nays:

—0

Abstaining: Mr. Edwards.

—1

And said Bill, S. B. 98, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 5.

Abstaining 1.

Yeas:

Messrs. Adams, Clemon, Ellis, Fine, Foshee, Goodwin, King, Little, McDonald (A), McDonald (S), McMillan, Noonan, Owen, Pearson, Peden, Perry, Proctor, Roberts, St. John, Shelby, Teague.

—21

Nays:

Messrs. Baker, Higginbotham, Mitchell, Stewart, Waldrop.

—5

Abstaining: Mr. Edwards.

—1

The Bill:

S. 7. Relating to the appointment of a curator of the property of persons residing in this state who shall become physically incapacitated, feeble-minded or epileptic, or so mentally or physically defective by reason of age, sickness, the use of drugs, excessive use of alcohol or other causes, and authorizing such curator to take charge of, manage and conserve the property of such person and relating to the effect of the appointment of a curator as to any such person.

was taken up.

Mr. Pearson offered the following amendment to the Bill, S. B. 7, to-wit:

AMENDMENT TO S. B. 7

Amend S. B. 7, Section 3 and 4, page 2, lines 20 through 38 by deleting Section 3 and Section 4 and adding in lieu thereof the following:

Section 3. Service of petition and notice of hearing. The court shall upon filing of a petition issue a citation to the proposed ward setting forth the time and place of the hearing thereon, which said citation, together with a copy of the petition, shall be personally served upon the proposed ward in the manner provided in Rules 4(c)(3) and 4.1 of the Alabama Rules of Civil Procedure, at least ten (10) days before the hearing. The citation shall state the nature and purpose of the proceedings and specify the legal standard by which the need for a curator is adjudged, as set forth in Sections 1 and 4 of this act, and the legal consequences which may follow from such an appointment, including those set forth in Sections 7 and 15 of this act. The citation shall further inform the proposed ward that s/he will have an opportunity at the hearing to present evidence and to cross-examine adverse witnesses, and that the court will appoint an attorney to represent the proposed ward if s/he has no legal counsel of his or her own.

Notice of the nature of the hearing and of the time and place thereof shall also be mailed by the court, at least ten (10) days before the hearing, to the spouse of the proposed ward, if any, to the guardian ad litem if appointed, and to each relative of the proposed ward named in the petition.

Section 4. Conduct of the hearing; decree. The proposed ward shall have the right to be present at the hearing unless s/he or the guardian ad litem waives such right in writing. At such hearing the court shall take testimony from all witnesses who shall appear for any party to the proceedings and shall have the power to summons any witness requested by any said party. The rules of evidence shall apply, and no hearsay evidence which is not otherwise admissible in a court of law shall be admitted or considered. In such proceedings there is a legal presumption of capacity and the burden of proof shall be on the petitioner to prove by a preponderance of the competent evidence that the proposed ward is incapacitated within the definition set forth in Section 1 of this act.

If the court shall find by a preponderance of the competent evidence presented at the hearing that the proposed ward is legally incapacitated within the definition set forth in Section 1 of this act, the court shall appoint a curator of the estate of such ward. Any interested person may intervene with leave of court in such proceedings.

Which was adopted.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Powell, Proctor, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—30

Nays:

—0

And said Bill, S. B. 7, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 30; Nays 0.

Abstaining 1.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Goodwin, Higginbotham, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Owen, Pearson, Peden, Perry, Powell, Proctor, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—30

Nays:

—0

Abstaining: Mr. Roberts.

—1

The Bill:

S. 200. This bill creates an investment committee to supervise the investment of state funds. It provides for the method of appointment. It provides for the employment of an investment specialist. It sets the compensation for the committee members and the maximum compensation that can be paid to the specialist. It provides for the meeting of the committee and repeals all laws in conflict with this Act.

was taken up.

Messrs. Powell and Little offered the following substitute for the Bill, S. B. 200, to-wit:

SUBSTITUTE FOR S. B. 200

A BILL TO BE ENTITLED AN ACT

To further provide for the deposits and investments of state funds; to create a state treasury board and the position of state money manager; to establish the authority, responsibilities and duties of the board and the state money manager; and to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created a state treasury board whose duty shall be to determine the fiscal policies relating to state funds available for investment in demand and time deposits in state depositories or other investments as herein provided. The board shall consist of the following members, all ex officio and voting: The state treasurer, director of finance, chairman of the senate finance and taxation committee, chairman of the house ways and means committee, a state senator, appointed for his term of office by the lieutenant governor, a member of the house of representatives, appointed for his term of office by the speaker of the house, and the legislative fiscal officer. The members shall serve for the term of their respective official capacity to which they were elected or appointed and until their successors have been qualified. The state treasurer shall be chairman of the board and the members of the board shall select a vice chairman from among its

members. The board shall meet at the call of the chairman, or any three members thereof, provided that the board shall meet as prescribed by this act. Any vacancy occurring in the membership of the board shall be filled in the same manner as the original appointment or from the official capacity causing the vacancy.

Section 2. The board shall meet at least quarterly for the conduct of its business and to review and supervise the performance of the state money manager.

Section 3. It shall be the purpose of the state treasury board to set the fiscal policies and guidelines relating to state funds available for investment in time deposits in state depositories or other investments. The board is hereby authorized to establish its own rules, regulations and policies reasonably necessary for the performance of the responsibilities charged to it, which shall include:

- (a) Employing a state money manager;
- (b) establishing the qualifications, salary and benefits for such state money manager;
- (c) establishing the guidelines and criteria for the deposit and investment of funds in the state treasury by the state money manager; such criteria shall duly consider: The activities of the various banking accounts maintained, the reasonable value of the banking services rendered or to be rendered by the depository banks to the state, the value and importance of such deposits to the economy of the communities and various areas of the state to be affected as projected by the loan to deposit ratio, the return on investment to the state treasury and other pertinent fiscal measurements;
- (d) determining the staff and resources needed by the state money manager and timely notifying the state treasurer of such determination; and
- (e) reporting annually to the legislature on the performance of the state money manager.

Section 4. There is hereby established the position of state money manager. The state treasury board shall select and appoint the state money manager who shall serve at the pleasure of the board and may be removed for cause by a majority vote of the board.

Section 5. The primary responsibility of the state money manager shall be to project cash flow and deposits and to manage all funds in the state treasury within the guidelines and policies established by state treasury board and the provisions of this act.

Section 6. The state treasurer shall provide staff and resources, out of the funds appropriated to the state treasurer for the state money manager as the needs therefor are determined by the board.

Section 7. The state money manager is authorized to secure information, data, estimates and statistics from the various departments, agencies, institutions, commissions, and boards of state government, which he deems necessary in the performance of his duties and for the implementation of the provisions of this act.

Section 8. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. Any laws or parts of laws which are inconsistent with or conflict with the provisions of this act are repealed only to the extent they are inconsistent or conflict herein. All laws or parts of laws which conflict with this act are hereby repealed.

Section 10. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Mr. Perry moved that consideration of the Bill, S. B. 200, be postponed until the next Legislative Day, which motion was lost.

Yeas 10; Nays 16.

Yeas:

Messrs. Fine, Gilmore, Goodwin, Higginbotham, King, Noonan, Perry, Roberts, Teague, Wilson.

—10

Nays:

Messrs. Adams, Baker, Bank, Foshee, Little, McDonald (A), McMillan, Mitchell, Owen, Peden, Powell, Proctor, Shelby, Stewart, Vacca, Waldrop.

—16

Mr. Goodwin requested and received Unanimous Consent that further consideration of the Bill, S. B. 200, be postponed until the completion of the Special Order.

The Bill:

S. 568. To amend Code of Alabama 1975, Section 17-4-14, which relates to the preparation and publication of poll lists so as to change the dates of said publication.

was taken up.

Mr. Mitchell offered the following substitute for the Bill, S. B. 568, to-wit:

SUBSTITUTE FOR S. B. 568

A BILL TO BE ENTITLED AN ACT

To amend Code of Alabama 1975, Section 17-4-14, which relates to the preparation and publication of poll lists so as to change the dates of said publication.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1975, Section 17-4-14 is amended to read as follows:

"Section 17-4-14. The judge of probate shall, from the registered list heretofore and hereafter returned to his office, excluding those names stricken therefrom, as shown by the list returned to him under the provisions of section 17-4-17, made correct alphabetical lists of all electors registered by

precincts or by districts or other subdivisions thereof where any precinct has been divided or subdivided, if not within a city or incorporated town, and by wards and other subdivisions, if within a city or incorporated town, which list shall be certified by him officially to be a full and correct list of the registered electors, and no others, except for purposes of information, for each precinct, each district, each ward or each other subdivision, respectively, as the same appears from the returns of the registrars on file in his office. Such lists so made up shall be published by him in some newspaper with a general circulation in the county on or before April 15 the twentieth day preceeding the regularly scheduled primary election in each even-numbered year, and together with said lists there shall also be published a certificate that said lists constitute the correct list of all qualified electors who will be entitled to vote in any election held in said county from the time of such publication until September 1 of the next succeeding year, and also a notice that any voter duly registered whose name has been inadvertently or through mistake omitted therefrom and who has paid all taxes due and who is legally entitled to vote shall have 10 days from said publication to have his or her name entered upon said lists of qualified voters. If within such 10 days any voter shall reasonably satisfy said judge of probate by proper proof that any name should be added to such list, his or her name shall be added thereto, so that he or she may vote in the precinct, district, ward or other subdivision, where he is duly domiciled. An alphabetical list by precinct, or by district or other subdivision where the precinct has been divided or subdivided, if not within a city or incorporated town, and by wards and other subdivisions, if within a city or incorporated town, of those so added within 10 days shall be prepared and published by said judge of probate in some newspaper with a general circulation in said county on or before May 1 the seventh day preceeding the date of the primary election in each even-numbered year. Such alphabetical list of said voters, published by the judge of probate on or before April 15 the twentieth day preceeding the regularly scheduled primary election, together with the names added and published on or before the seventh day preceeding the date of the primary election, shall be the official list of voters qualified in each of the precincts, districts, wards or other subdivisions within the county for the next ensuing year, and until a new list is published; and no person whose name does not appear thereon shall be allowed to vote nor shall he or she be allowed to vote except in the precinct, district, ward or other subdivision in which his or her name appears on said list, unless such person complies with the qualifications prescribed by law for challenged voters."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

MOTION TO RECESS LOST

At 1:15 P.M., Mr. Baker moved that the Senate take a recess until 1:45 P.M., which motion was lost.

RECESS

At 1:16 P.M., on motion of Mr. Baker, the Senate took a recess until 1:40 P.M.

The recess period having expired, the Senate was called to order by Lieutenant Governor Beasley. A quorum of the Senate was present.

FURTHER CONSIDERATION OF S. B. 568

The Senate proceeded to further consideration of the Bill, S. B. 568.

The question was on the substitute offered by Mr. Mitchell.

Mr. Waldrop offered the following amendment to the substitute for the Bill, S. B. 568, to-wit:

AMENDMENT TO SUBSTITUTE FOR S. B. 568

A BILL
TO BE ENTITLED
AN ACT

To amend Code of Alabama 1975, Section 17-4-14, which relates to the preparation and publication of poll lists so as to change the dates of said publication; to further amend Section 17-4-25 which relates to clerical assistants and help for judge of probate and certain boards of registrars.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1975, Section 17-4-14 is amended to read as follows:

"Section 17-4-14. The judge of probate shall, from the registered list heretofore and hereafter returned to his office, excluding those names stricken therefrom, as shown by the list returned to him under the provisions of section 17-4-17, make correct alphabetical lists of all electors registered by precincts or by districts or other subdivisions thereof where any precinct has been divided or subdivided, if not within a city or incorporated town, and by wards and other subdivisions, if within a city or incorporated town, which list shall be certified by him officially to be a full and correct list of the registered electors, and no others, except for purposes of information, for each precinct, each district, each ward or each other subdivision, respectively, as the same appears from the returns of the registrars on file in his office. Such lists so made up shall be published by him in some newspaper with a general circulation in the county on or before April 15 the twentieth day preceeding the regularly scheduled primary election in each even-numbered year, and together with said lists there shall also be published a certificate that said lists constitute the correct list of all qualified electors who will be entitled to vote in any election held in said county from the time of such publication until May September 1 of the next succeeding year, and also a notice that any voter duly registered whose name has been inadvertently or through mistake omitted therefrom and who has paid all taxes due and who is legally entitled to vote shall have 10 days from said publication to have his or her name entered upon said lists of qualified voters. If within such 10 days any voter shall reasonably satisfy said judge of probate by proper proof that any name should be added to such list, his or her name shall be added thereto, so that he or she may vote in the precinct, district, ward or other subdivision, where he is duly domiciled. An alphabetical list by precinct, or by district or other subdivision where the precinct has been divided or subdivided, if not within a city or incorporated town, and by wards and other subdivisions, if within a city or incorporated town, of those so added within 10 days shall be prepared and published by said judge of probate in some newspaper with a general circulation in said county on or before the seventh day preceeding the date of the primary election in each even-numbered year. Such alphabetical list of said voters, published by the judge of probate on or before April 15 the twentieth day preceeding the regularly scheduled primary election, together

with the names added and published on or before May 1 the seventh day preceeding the date of the primary election, shall be the official list of voters qualified in each of the precincts, districts, wards or other subdivisions within the county for the next ensuing year, and until a new list is published; and no person whose name does not appear thereon shall be allowed to vote nor shall he or she be allowed to vote except in the precinct, district, ward or other subdivision in which his or her name appears on said list, unless such person complies with the qualifications prescribed by law for challenged voters."

Section 2. Code of Alabama, 1975, Section 17-4-25 is amended to read as follows:

"The judge of probate may employ such assistants and clerical help as may be necessary to complete and properly prepare the list of qualified electors which the judge of probate is required to furnish the election inspectors. Such assistants shall be paid out of the county treasury by warrants, drawn by the county commission on certificate of the probate judge, accompanied by the certificates of the person being paid, showing the amount is due under the provisions of this chapter; but the entire amount spent for such assistants and clerical help shall not exceed a sum equal to the amount obtained by multiplying the number of names on said list by \$.05. Provided such assistants and clerical help shall be paid only the necessary and actual costs of compiling such lists and these actual costs are to be certified by the assistants and clerical help and judge of probate to the county commission. The judge of probate in all counties having a population of not less than 100,000 nor more than 350,000, according to the last or any subsequent federal census, is hereby authorized and directed to employ a clerk to assist the board of registrars of said county. The duties of said clerk shall be to submit to the board of registrars revised election lists of said county by placing all persons in their proper ward or precincts and eliminating therefrom all deceased, nonresident and fictitious persons named upon said roll and those convicted of crime, and shall further attend to all clerical work of the board of registrars. Such clerk shall be paid a compensation out of the county treasury, of not more than \$250.00 per month, to be fixed by the judge of probate."

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Mr. Mitchell offered the following amendment to his substitute, as amended, for the Bill, S. B. 568, to-wit:

AMENDMENT TO SUBSTITUTE FOR S. B. 568

Amend Substitute for Senate Bill 568 as follows:

On page 2, line 37, strike the quotation marks and add the following:

Provided, however, that only in 1978 any county which has published a list of qualified voters prior to the effective date of this act, the probate judge shall prepare and publish in some newspaper with a general circulation in said county, an alphabetical listing as hereinabove required, only on or before the seventh day preceeding the date of the primary election. In 1978 in such county this list, together with the list published prior to the effective date of this act shall be the official list of voters qualified in each of the precincts, districts, wards or other subdivisions within such county."

Which was adopted.

And said substitute, as thus amended, for the Bill, S. B. 568, was then adopted by the Senate.

Yeas 17; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Foshee, Goodwin, Little, McDonald (A), McMillan, Mitchell, Noonan, Perry, Shelby, Stewart, Waldrop.

—17

Nays:

—0

And said Bill, S. B. 568, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Foshee, Goodwin, Higginbotham, Little, McDonald (A), McDonald (S), McMillan, Mitchell, Noonan, Perry, Proctor, St. John, Shelby, Vacca, Waldrop.

—21

Nays:

—0

Mr. Waldrop moved that the Senate reconsider the vote by which the Bill, S. B. 568, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

The Bill:

S. 198. This bill provides that the Department of Revenue is to deposit tax collections in a Banking Institution to the credit of the Treasurer of the State of Alabama, certifying to the Treasurer such deposit and repealing all laws in conflict with this Act.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Foshee, Goodwin, King, Little, McDonald (A), McMillan, Mitchell, Noonan, Owen, Perry, Powell, Proctor, St. John, Shelby, Stewart, Vacca, Waldrop.

—23

Nays:

—0

Mr. Owen moved that the Senate reconsider the vote by which the Bill, S. B. 198, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

The Bill:

S. 83. To amend the Alabama Civil Defense Act of 1955 now appearing in Sections 31-9-2 through 31-9-24, Code of Alabama 1975, so as to authorize state grants for local civil defense and emergency preparedness programs.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Goodwin, Higginbotham, Little, McDonald (A), McDonald (S), McMillan, Mitchell, Noonan, Owen, Perry, Powell, Proctor, St. John, Shelby, Stewart, Vacca, Waldrop.

—25

Nays:

—0

Mr. Waldrop moved that the Senate reconsider the vote by which the Bill, S. B. 83, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

The Bill:

S. 54. To amend Section 32-5-64 of the Code of Alabama 1975, which prohibits persons under sixteen years of age from operating motor vehicles, so as to provide that such persons may operate, without a license or learner's permit, a vehicle of an approved school driver's education program, when such persons are accompanied by a qualified instructor, and during school hours.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop.

—30

Nays:

—0

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment on Commission on Higher Education.

Respectfully,
HENRY B. STEAGALL, II,
Executive Secretary.

Done this 23rd day of March, 1978.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have reappointed, subject to your confirmation, A. Schuyler Baker, Birmingham, Alabama, as a member of Alabama Commission on Higher Education for the term expiring August 31, 1985.

Respectfully,
GEORGE C. WALLACE,
Governor.

Done this 23rd day of March, 1978.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Commission on Higher Education, was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING RESUMED

The Bill:

S. 265. To amend Section 120 of Act 407, HB 198, Regular Session 1971, (Acts of Alabama 1971, Volume II, Page 774), as amended, which regulates the licensing of insurance agents, by imposing the requirement of satisfactory completion of a pre-qualification course prior to taking the written examination as provided in Section 120, paragraph (8).

was taken up.

Mr. Shelby offered the following amendment to the Bill, S. B. 265, to-wit:

AMENDMENT TO S. B. 265

Amend S. B. 265 by adding the following new section as Section 2. and renumbering the remaining sections:

"No part of this Act shall apply to institutions of finance."

Which was adopted.

Yeas 20; Nays 1.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Gilmore, Goodwin,

Higginbotham, McDonald (A), McMillan, Mims, Mitchell, Owen, Peden, Proctor, Shelby, Stewart, Teague, Waldrop.

—20

Nays: Mr. Little.

—1

And said Bill, S. B. 265, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 10; Nays 5.

Yeas:

Messrs. Adams, Bank, Clemon, Fine, Gilmore, Mims, Mitchell, Owen, Powell, Shelby.

—10

Nays:

Messrs. Baker, Ellis, Goodwin, Higginbotham, Little.

—5

(The President and Presiding Officer of the Senate declared a quorum was present but not voting.)

The Bill:

S. 288. To name the Health, Education and Arts Building on the campus of Alexander City State Junior College after W. Byron Causey and to repeal all conflicting statutes.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Messrs. Adams, Baker, Edwards, Fine, Foshee, Gilmore, Goodwin, Higginbotham, King, Little, McMillan, Mitchell, Owen, Peden, Perry, Proctor, Roberts, St. John, Stewart, Vacca.

—20

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Moore (W), Drake, Owens, Carter, Greer, Younce, Callahan, Kinsey, McMillan, Hines, Cates, Crawford, Williams, Smith (B), Starkey, Killian, Towns, Albright, Taylor, Riddick, Martin, Cross, Sparks, Johnson, Gafford, Howard, Andrews, Trammell, Jolly, Coburn, Lee, Clark, Lutz, Pegues, Smith (M), Holmes (D), Ward, Campbell, Jackson (F), Baker, Kennedy, Buskey, Glass, Shelton, White, Hall, Naramore, Biddle, Crowe, Sasser, Turnham, Reed, Hill, Moore (O), Roberts, Carothers, Waggoner, McCulley, Johnstone, Lockett, Falkenburg, Jackson (R) and Hilliard:

H. 608. To authorize Alabama Building Finance Authority to sell and issue not exceeding \$18,000,000 principal amount of bonds for the purpose of constructing public office building facilities and altering, constructing additions to, and improving and renovating certain existing public office building facilities, and removing existing structures, and for the procurement of sites and equipment for such facilities or additions thereto, and for the construction of parking facilities; to authorize the issuance of refunding bonds; to provide for the investment of the proceeds from the sale of the bonds of the Authority; to provide that all properties of the Authority and the income therefrom and all bonds issued and the income therefrom and all leases made and the recording thereof and all lien notices filed shall be exempt from all taxation in the State of Alabama; to provide that such bonds shall constitute negotiable instruments; to provide that such bonds shall be payable solely out of revenues of the Authority and shall not create obligations or debts of the state; to provide that any bonds issued by the Authority may be used as security for deposits and investment of public funds and fiduciary funds; to specify the application of the proceeds of the bonds of the Authority; to provide for the construction of public office building facilities, the alteration, construction of additions to, and improvement and renovation of certain existing public office building facilities and for the equipment of such facilities or additions thereto by the Authority; to authorize the removal of existing structures and the construction of parking facilities; to authorize the conveyance to the Authority of lands owned by the state; to authorize the purchase of certain real property for such purposes; to create a reserve fund for the benefit of the bonds of the Authority; to authorize the Authority to pledge such revenues from its facilities (when and as such revenues become available to the Authority) which may be necessary to pay the principal of and interest on its bonds; to authorize the filing for continued title record of an instrument reciting the issuance of the bonds and the creation of the pledge as a lien on the revenues, which filing will constitute constructive notice; to provide that the State Treasurer shall be the custodian of the funds of the Authority; to provide for the lease to and by agencies, boards, commissions, public corporations, bureaus and departments of the State of Alabama and of the United States, counties, municipal corporations, other public bodies, and private persons, firms, corporations or associations, of space for occupancy in said facilities or additions thereto; to amend Section 25 of Act No. 658 enacted at the 1961 Regular Session of the Legislature of Alabama; to amend Section 18 of Act No. 205 enacted at the 1955 Regular Session of the Legislature of Alabama; and to authorize publication of notice of the resolution authorizing any bonds or pledge and to specify a limitation of time thereafter for actions or defenses respecting said bonds or pledge.

Also:

By Mrs. Quarles:

H. 648. To name the new Moody High School in St. Clair County, the "Roy and Vera B. Gibson High School."

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 608. To the Committee on Finance and Taxation.

H. B. 648. To the Committee on State Government.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 113. Relating to Limestone County; to authorize the county commission to expend public funds for the operation, maintenance and expenses of volunteer fire departments in the county.

Also:

H. 115. To authorize the charging of a "convenience fee" in the amount of 25 cents on the sale of any hunting or fishing license sold in Limestone County by any special agent who sells hunting or fishing licenses in the City of Athens under authority granted pursuant to the provisions of article 2 of chapter 11 of title 9 of the Code of Alabama, 1975; prescribing penalties for the violation of the provisions of this act.

Also:

H. 190. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Butler, in Choctaw County.

Also:

H. 300. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Fayette, in Fayette County, Alabama.

Also:

H. 364. Relating to Colbert County; amending Section 20 of Act No. 131, H. 333, 1949 Regular Session (Acts of 1949, p. 157) so as to change the meeting dates of the county commission.

Also:

H. 424. To alter, rearrange, and extend the City Limits and Corporate Limits of the Municipality of Eufaula, in Barbour County, Alabama.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 449. CONGRATULATING MR. WILLIAM J. HEARIN
UPON HIS SELECTION AS MOBILIAN OF THE YEAR.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Messrs. Sandusky and Callahan:

H. J. R. 517. RECOGNIZING THE TERMINAL RESTAURANT AS
MOBILE'S OLDEST AND MOST UNIQUE DINING ESTABLISHMENT.

Also:

By Messrs. Sandusky and Cooper:

H. J. R. 518. COMMENDING MR. W. C. CLEWIS OF MOBILE,
ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Owen, the Rules were suspended and the Resolutions, H. J. R.'s 517 and 518, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

S. 376. To provide for appointment and designation of Supernumerary Sheriffs of the several counties within this State; to prescribe qualifications for the participants in such commission as Supernumerary Sheriff; to prescribe regulations and procedures for participation in such commission as Supernumerary Sheriff and to repeal conflicting statutes.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 3.

Yeas:

Messrs. Adams, Bank, Ellis, Fine, Foshee, Goodwin, King, Little, McDonald (S), Mims, Mitchell, Owen, Perry, Powell, Proctor, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—22

Nays: Messrs. Baker, Edwards, McDonald (A).

—3

Mr. Fine moved that the Senate reconsider the vote by which the Bill, S. B. 376, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

The Bill:

S. 475. To grant the University of North Alabama the power of eminent domain within Lauderdale County in the State of Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 2.

Yeas:

Messrs. Adams, Bank, Edwards, Ellis, Fine, Foshee, Goodwin, King, Little, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Peden, Perry, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Waldrop, Wilson.

—26

Nays: Messrs. Baker, McDonald (A)

—2

The Bill:

S. 208. To amend Sections 3, 4, 5 subsection (c), Section 7 subsection (c), and Section 8 of Act No. 863, 1975 Regular Session, approved October 7, 1975, which established the Alabama Firefighters' Personnel Standards and Education Commission, so as to provide further for the Executive Secretary and clerical assistants of the Commission, to provide that the members of this Commission shall receive per diem for each meeting plus travel expenses as provided by state travel law, to provide a quorum shall be a majority of the members, to provide the employment of an Assistant to the Executive Secretary as duties and functions may require, to correct reference in Section 8 to read "Section 7" and to further provide a 12 months period for applicatn to complete 240 hours training.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Fine, Foshee, Goodwin, King, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, peden, Powell, Roberts, Shelby, Teague, Vacca, Waldrop, Wilson.

—22

Nays:

—0

ADJOURNMENT

At 2:40 P.M., on motion of Mr. Fine, in accordance with Motion heretofore adopted, and pending further consideration of S.B.'s 550 and 549, the Senate adjourned until Tuesday, March 28, 1978, at 2 o'clock P.M.

TWENTY-FIRST LEGISLATIVE DAY

TUESDAY, MARCH 28, 1978

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

PRAYER

The Session was opened with prayer by the Reverend Gary W. Light, Assistant Minister, First Baptist Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—35

JOURNAL

On motion of Mr. McDonald (S), the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twentieth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

U. W. CLEMON,
Chairman.

COMMITTEE REPORT

On motion of Mr. Clemon, the foregoing report was concurred in and the Journal of the Senate for the Twentieth Legislative Day was approved by the Senate.

RESOLUTIONS

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 411. The following bills shall be the paramount and continuing order of business for the 21st legislative day only, upon reaching bills on third reading, and after disposing of the pending special order of business, taking precedence thereafter over all other business for said day:

BILL NO.	DESCRIPTION
S. B. 371	Contractors
S. B. 159	Blind parents
S. B. 160	Disabled Vets
S. B. 598	Ardmore Welcome Center
S. B. 214	Dauphin Island
S. B. 493	Legislative sessions
S. B. 234	Sports Hall of Fame
S. B. 284	Corporate take-overs
S. B. 493	Legislative sessions
S. B. 234	Sports Hall of Fame
S. B. 284	Corporate take-overs
S. B. 496	Indian Affairs
S. B. 314	Medical residency

On motion of Mr. Clemon, the Resolution was adopted by the Senate.

Mr. Goodwin offered the following Senate Joint Resolution, to-wit:

S. J. R. 412. NAMING DALLAS COUNTY HIGHWAY 38, "LURLEEN B. WALLACE DRIVE."

WHEREAS, County Highway 38, connecting Highways 41 and 89, runs directly in front of the Boys Ranch property located in Dallas County, Alabama; and

WHEREAS, the beloved Lurleen Burns Wallace, former Governor of the State of Alabama, visited Boys Ranch in 1967 and thereby became aware of the bad conditions of the unpaved roads in the vicinity of The Ranch; and

WHEREAS, immediately upon her return to Montgomery, Governor Lurleen Wallace instigated measures which resulted in the paving of Dallas County Highway 38; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in memory of our late Governor Lurleen B. Wallace, and in posthumous appreciation for her efforts on behalf of all citizens of the State of Alabama, this body hereby names and designates Highway 38, which connects Highways 41 and 89, in Dallas County, Alabama, "Lurleen B. Wallace Drive."

BE IT FURTHER RESOLVED, That the proper authorities are authorized to erect and maintain appropriate signs and markers so designating said highway as the "Lurleen B. Wallace Drive."

On motion of Mr. Goodwin, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 382. Relating to Limestone County, further providing for the days of meeting and the operation of the county board of registrars and the compensation therefor.

Also:

S. 379. Relating to Limestone County; to authorize the county commission to provide for clerical and secretarial assistance to the legislative delegation from such county.

Also:

S. 381. Relating to Limestone County; further regulating the compensation for the board of registrars and the manner of payment therefor from the county general fund.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Turnham:

H. 143. To provide that full-time employees and executive officers of the Alabama Council for School Administration and Supervision may elect to become members of the Teachers' Retirement System of Alabama; also to provide that said Council and its employees shall assume all costs, both contributory and administrative; and no cost shall devolve upon the state.

Also:

By Mr. Venable:

H. 173. To revise and amend certain provisions of Chapter 10 of Title 17, Code of Alabama 1975, so as to provide for an "absentee election manager" to fulfill the duties imposed by Chapter 10 relating to absentee voting. This bill makes optional the performance of these duties by the circuit register or clerk.

Also:

By Messrs. Campbell and Manley:

H. 188. To provide for the appointment of an advisory board to advise the Alabama Historical Commission on the acquisition, maintenance, and protection of certain properties and objects of historical interest located at Fort Tombeckbee in Sumter County.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 143. To the Committee on Finance and Taxation.

H. B. 173. To the Committee on Constitution and Elections

H. B. 188. To the Committee on Conservation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 356. To amend Section 40-23-35, Code of Alabama 1975, so as to provide for the distribution of the proceeds from the four percent (4%) sales tax; to provide that the distribution rate to the State Department of Pensions and Security for the administration of the Food Stamp Act of 1964, Public Law 88-525, 88th Congress, and amendments enacted thereto, shall be five percent (5%) of the value of the coupons issued statewide in excess of the amount paid by recipients (bonus or free stamps) during the immediate prior fiscal quarter; to regulate staffing on a county level; to change the Food Stamp program from a county/state operation to a state administered program; and to make the provisions retroactively effective to January 1, 1978.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Campbell:

H. 482. Proposing an amendment to the Constitution of Alabama relating to placing the probate judge, the tax assessor, and the tax collector of Sumter County on a salary basis of compensation.

Also:

By Mr. Campbell:

H. 483. Proposing an amendment to the Constitution of Alabama

relating to placing the probate judge, the tax assessor, and the tax collector of Choctaw County on a salary basis of compensation.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time at length as required by the Constitution and referred to appropriate Standing Committee, as follows:

H. B.'s 482 and 483. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Barron, Harris, Wyatt and Langford (with notice and proof):

H. 823. Relating to Montgomery County; to change the method of compensating the tax collector, placing said official on a salary basis; to provide that the fees, commissions and allowances provided such official shall be paid into the county treasury; and provide that the cost of the operation of the office of tax collector shall be borne in part by the City of Montgomery.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 823, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

By Messrs. Barron, Wyatt and Langford (with notice and proof):

H. 825. Relating to Montgomery County; to change the method of compensating the license inspector, placing said official on a salary basis; and to provide that the fees, commissions and allowances provided such official shall be paid into the county treasury.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 825, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Messrs. Barron, Wyatt, Harris and Langford (with notice and proof):

H. 826. Relating to Montgomery County; providing penalties for littering a public thoroughfare.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 826, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Mr. Wyatt (with notice and proof):

H. 851. To authorize the governing body of Montgomery County to establish and maintain firefighting districts within such county; to enter into agreements with Volunteer Fire Departments within such county for fire protection and services; to set fees for fire protection services within said county; and to prescribe the manner of collection and distribution of such fees.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 851, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Messrs. Gregg, Lutz, Riddick, Smith (B), Albright and Moore (W) (with notice and proof):

H. 778. To provide that the Madison County Commission may make appropriations to a legislative office to assist the Madison County Delegation to the Legislature of the State and provisions of the act shall be effective retroactively.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 778, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Messrs. Gregg, Lutz, Riddick, Smith (B), Albright and Moore (W) (with notice and proof):

H. 779. To provide that the Huntsville City Council may make appropriations to a legislative office to assist the Madison County Delegation to the Legislature of the State and provisions of the act shall be effective retroactively.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 779, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Mr. Lutz (with notice and proof):

H. 702. To authorize the governing body of Madison County, Alabama, to establish fire districts or a fire department for Madison County; to authorize the adoption of a fire code for Madison County; to authorize the levy of a fire tax and to otherwise authorize fire protection measures within Madison County; and to provide that this Act shall become effective upon the ratification of an amendment to the Constitution of Alabama which authorizes the provisions of this Act.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 702, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Mr. Lutz:

H. 705. To propose an amendment to the Constitution of Alabama which, if approved by the electors of this state, would authorize the Legislature, by general or local law, to provide for the establishment of fire districts within Madison County to provide fire fighting and prevention services and to authorize the levy and collection of certain rates, fees, charges or taxes for the support of such districts.

Also:

By Mr. Lutz (with notice and proof):

H. 706. Pertaining to Madison County; to provide for the temporary release, at the court's discretion, of certain prisoners in county or city jails for the purpose of working at gainful employment or for other rehabilitative purposes; to provide that any person so released who fails to report for confinement as ordered shall be subject to punishment provided for escape; to provide for the payment by persons so released to the county of a portion of their net earnings and for the utilization of the funds derived therefrom; to provide for the Madison County Work Release and Pre-Trial Release Fund; to set standards for judicial officers in said county for the pre-trial release of those persons accused of crimes; to establish penalties for failure to appear or for violation of release conditions; to provide for the forfeiture of security deposited to insure the attendance of the defendant; to prohibit certain activities by persons engaged in the business of undertaking to act as surety on bail bonds in Madison County and to provide that certain acts by such persons shall constitute the crime of bribery; to prohibit any sheriff, deputy sheriff, policeman, peace officer, warrant magistrate, or persons otherwise having the authority to arrest or hold another person in custody from committing certain acts with respect to bail bond companies and providing that the same shall constitute the crime of bribery; to create a body to be known as the Madison County Work Release and Pre-Trial Release Commission; to provide for the membership of said Commission and for its power and duties; to provide for the transfer of certain funds now held for the account of certain pre-trial release and work release programs in Madison County; and to repeal conflicting laws.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 706, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 823, 825, 826, 851, 778, 779, 702, 705, and 706. To the Committee on Local Legislation No. 1.

(The above Bill, H. B. 705, was read a first time at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Waggoner (with notice and proof):

H. 906. To amend Section 6 of Act No. 789, H. 1328, Regular Session 1977 (Acts 1977, p. 1363), which provides for a personnel board for employees of county law enforcement offices in Shelby County, so as to provide further for the compensation of members of such board.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 906, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Mr. Cross (with notice and proof):

H. 937. Relating to Lawrence County; to further provide for the salaries of the Judge of Probate, the sheriff, the tax collector, the tax assessor and the coroner; and to provide for a temporary expense allowance for each officer elected to serve as the tax collector and the tax assessor.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 937, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Messrs. Martin, Roberts, Cross and Drake (with notice and proof):

H. 948. To alter, rearrange and extend the boundary lines and corporate limits of the Town of Flint City in Morgan County.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 948, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Messrs. Carter and Moore (W) (with notice and proof):

H. 942. To amend Section 6 of Act No. 801, H. 99, 1977 Regular Session (Acts of 1977, p. 1381) entitled, "An Act Further regulating the trapping of fur-bearing animals in the State of Alabama; amending Title 8, Section 91, Code of Alabama, 1940 (Recompiled 1958), so as to increase the fees chargeable for the issuance of trapping licenses, prescribing additional regulations relative to traps and designating additional criminal offenses relative to trapping of fur-bearing animals; placing strict civil liability upon persons who cause injury or damages to persons or property as a result of trapping

fur-bearing animals; further regulating the trapping of fur-bearing animals on any state highway right-of-ways; providing that traps shall be checked on a periodic basis; prohibiting the suspending of bait over steel traps; prescribing criminal penalties; and requires certain reports to be filed by trappers and fur dealers," so as to provide that the provision of Sections 2 and 3 of said act shall not apply to Limestone County.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 942, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Messrs. Martin, Roberts, Cross and Drake (with notice and proof):

H. 949. To alter and rearrange the boundaries of the town of Trinity in Morgan County, so as to include certain territory in the corporate limits of the town.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 949, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Messrs. Baker and Whatley (with notice and proof):

H. 895. To repeal Act No. 15, H. 120, 1947 Regular Session (Local Acts of 1947, p. 14), as amended, entitled "An Act To provide for the municipality of Phenix City a civil service system governing the appointment, removal, salaries, tenure, and official conduct of employees and officers of the police and fire departments of the city, defining violations of the Act, and imposing penalties for violations" and to provide that such repeal shall become effective on the date on which the governing body of said city enacts an ordinance establishing a merit system for all employees of said city.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 895, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Messrs. Baker and Whatley (with notice and proof):

H. 896. Relating to Russell County, to provide further for the salary of the sheriff and to repeal conflicting laws.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 896, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Messrs. Baker and Whatley (with notice and proof):

H. 897. To amend Section 4.02 of Act No. 71, H. 114, Regular Session 1977 (Acts of 1977, p. 78), entitled "To permit any city in the State of Alabama having a population of not less than 23,000 nor more than 27,000 inhabitants according to the 1970 or any subsequent federal decennial census to adopt the council-manager form of municipal government, to provide for the calling and holding of elections to vote thereon, to provide for the election and term of the first council, to define the legal status, form of government and powers of the city, to provide for subsequent elections of members of the council, their number and their terms of office, to provide for the qualification, powers and authority of the council, the mayor and the city clerk, and for the election of the mayor and city clerk, to provide for the appointment and removal and to define the powers of the city manager, to provide for an annual budget, its preparation, submission, adoption and effect, to create and define the powers and duties of a department of finance and of the director thereof, to regulate purchases and contracts of the city, and to define their powers and authority, to set up the terms and effects of succession in government of any city adopting the council-manager form of government, to provide for the establishment and re-establishment of districts, to make various other provisions for such form of government of any such city, and to provide for the means of abandoning the council-manager form of government", so as to provide that the city manager shall have authority to appoint and remove officers and employees of any municipally owned public utility and any municipally owned service enterprise.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 897, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Messrs. Baker and Whatley (with notice and proof):

H. 898. To amend further Sections 16 and 24 of Act No. 13, H. 118, 1947 Regular Session (Local Acts 1947, p. 7), as amended, which establishes for the municipality of Phenix City a pension and relief system for the benefit of firemen and policemen, so as to regulate further creditable service for such system and to further provide for insufficiencies in the pension and relief fund.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 898, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Mr. Smith (J) (with notice and proof):

H. 927. To amend Act 917, H. 1937, approved October 8, 1975, which authorizes the County Commission, Board of Revenue, or other Geneva County governing body to provide clerk-hire allowance for the Tax Assessor and the Tax Collector of Geneva County so as to increase the amount of such allowances.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 927, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Messrs. Carothers, Crawford and Smith (J) (with notice and proof):

H. 952. To amend further "The Civil Service Act of Dothan", Act No. 273, S. 292, of the 1947 Regular Session (Local Acts 1947, p. 196), in order to redefine the words, "Department Head", to include heads of newly created departments and to provide further for the abolition of departments of the city government, the consolidation of two or more of such departments into one department and the creation of new departments; to give the Personnel Board the authority to reduce the severity of disciplinary action taken by an Appointing Authority after due process and appeal before the Personnel Board when mitigating circumstances so warrant, and for such purposes amending Section 2, 3, and 21.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 952, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 906, 937, 948, 942, 949, 895, 896, 897, 898, 927 and 952. To the Committee on Local Legislation No. 1.

REPORT FROM RULES

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 484. CONGRATULATING NORTH BIRMINGHAM'S G. W. CARVER HIGH SCHOOL, 1978 STATE 4A BASKETBALL CHAMPIONS.

H. J. R. 485. CONGRATULATING STUDENTS OF G. W. CARVER HIGH SCHOOL, NORTH BIRMINGHAM, NAMED TO THE ALL-CITY HIGH SCHOOL SCHOLASTIC BASKETBALL SQUAD.

H. J. R. 486. CONGRATULATING STUDENTS OF C. W. HAYES HIGH SCHOOL AVONDALE, NAMED TO THE ALL-CITY HIGH SCHOOL SCHOLASTIC BASKETBALL SQUAD.

H. J. R. 17. CONGRATULATING PHENIX CITY ON WINNING THE ALABAMA DIZZY DEAN BASEBALL TOURNAMENT.

H. J. R. 18. MOURNING THE DEATH OF HAROLD S. COULTER OF PHENIX CITY, ALABAMA.

H. J. R. 52. COMMENDING WALTER WELLBORN HIGH SCHOOL FOR PARTICIPATION IN THE 3-A FOOTBALL FINALS FOR THE STATE CHAMPIONSHIP.

S. J. R. 380. COMMENDING ANDALUSIA HIGH SCHOOL, CLASS 3-A STATE FOOTBALL CHAMPIONS.

S. J. R. 381. MOURNING THE DEATH OF FORMER ANDALUSIA CITY COUNCILMAN, SWINSON EDWARD ANDERSON.

S. J. R. 382. MOURNING THE DEATH OF MRS. N. D. FOSTER.

H. J. R. 94. COMMENDING MR. F. D. "ROB" ROBINSON FOR MERITORIOUS SERVICE.

S. J. R. 397. CONGRATULATING ROBERT C. COLEY, GRAND MASTER OF MASONS IN ALABAMA.

On motion of Mr. Fine, H. J. R.'s 484, 485, and 486, were concurred in and adopted by the Senate.

On motion of Mr. Clemon, H. J. R.'s 17, 18, 52, and 94, were concurred in and adopted by the Senate.

On motion of Mr. Clemon, S. J. R.'s 380, 381, 382, and 397, were adopted by the Senate.

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Dr. P. T. Farrish to the Board of Trustees of Alabama A. & M. University.

On motion of Mr. Clemon, the appointment of Dr. P. T. Farrish to the Board of Trustees of Alabama A. & M. University was confirmed by the Senate.

Yeas 30; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, St. John, Shelby, Stewart, Waldrop.

—30

Nays:

—0

RESOLUTIONS

Messrs. Owen, Peden, Noonan, and Foshee offered the following Senate Joint Resolution, to-wit:

S. J. R. 413. MOURNING THE DEATH OF MRS. REBECCA MITCHELL PERLOFF.

WHEREAS, the Legislature of Alabama has been deeply saddened by the death of Mrs. Rebecca Mitchell Perloff in Mobile, Alabama, on March 26, 1978; and

WHEREAS, Mrs. Perloff was a native of New York City but had made

her home in Mobile for the past seventy-five years; she was the mother of our good friend and colleague, Senator Mayer W. Perloff; and

WHEREAS, she was a warm, wise and gracious lady, possessed of a keen intellect enhanced by the wisdom of years, and for many years had been an ardent supporter of numerous civic and cultural affairs in the City of Mobile; and

WHEREAS, Mrs. Perloff was a member of the Dauphin Street Synagogue and of the Temple's Sisterhood; a woman of virtue, profound faith and of deep religious conviction; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we have been grievously saddened by the death of Mrs. Rebecca Mitchell Perloff; we extend our most heartfelt sympathy to her son and our friend, Mike Perloff, and direct that he and his family receive a copy of this resolution that they may know we share the sorrow of their great loss.

On motion of Mr. Adams, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. McMillan and Wilson offered the following Senate Joint Resolution, to-wit:

S. J. R. 414. COMMENDING AL FOX, JR.

WHEREAS, "Senator" Al Fox, senior member of the Capitol Press Corps, has long been respected and admired for his journalistic endeavors; and

WHEREAS, Al and Mary Fox take pride in an even greater achievement—their son, Al Fox, Jr., better known as "Peck"; and

WHEREAS, This body, having recognized Peck's brilliant Woodlawn High School record in 1975, now takes great pleasure in commending his scholastic achievements at the University of Alabama, where he has recently been inducted into Phi Beta Kappa; he also has won a Hugo Black scholarship to the University of Alabama Law School; and

WHEREAS, Peck will receive his bachelor's degree in political science on his 20th birthday, May 14, the same day that his sister, Jennifer, will receive her master's degree in rehabilitation counseling; since May 14 is also Mother's Day, there will be many reasons for the Fox household to rejoice; now, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That we share in the pride and joy that the senior Foxes feel in the accomplishments of the junior Foxes, particularly Peck; if his adult life continues as brilliantly as his first 20 years, the State of Alabama can look forward to having a truly distinguished citizen in Al Fox, Jr.

BE IT FURTHER RESOLVED, That May 14 be declared "Fox Family Day" in recognition of Peck and the whole family.

BE IT FURTHER RESOLVED, That copies of this Resolution be sent to Al Fox, Jr., Mr. and Mrs. Fox, and Miss Jennifer Fox.

On motion of Mr. McMillan, the Rules were suspended and the Resolution was adopted by the Senate.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Owen:

S. 721. To provide for distinctive motorcycle license plates for Shrine motorcycle club, corps or unit members; to provide for the design of such license plate; and to provide a procedure for issuance thereof.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Foshee:

S. 722. To amend Section 36-27-4 of the Code of Alabama 1975 relating to the state employees' retirement so as to provide for the re-opening of the system for members to obtain creditable service for full-time military service.

Committee on Finance and Taxation.

By Mr. Edwards (with notice and proof):

S. 723. Relating to the Thirty-Sixth Judicial Circuit; to provide for the assessment and collection of additional filing fee on each district and circuit court case filed with the clerk's office in the Thirty-Sixth Judicial Circuit to be used to establish and maintain a law library in said circuit.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 723, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Messrs. Foshee and Bank:

S. 724. To amend Title 33, Section 37, Code of Alabama 1940, which declares and sets forth the Mechanics and Materialmen's lien, so as to include Land Surveying and Engineering Services under the provisions of this lien statute.

Committee on Judiciary.

By Messrs. Foshee and Bank:

S. 725. To amend Sections 9-17-101, 9-17-102, 9-17-104, 9-17-105, 9-17-106, 9-17-107, 9-17-109 and 9-17-110 of the Code of Alabama 1975, so as to provide certain changes in the regulation of liquified petroleum gas.

Committee on Commerce, Transportation,
and Utilities.

By Mr. Fine (with notice and proof):

S. 726. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Russellville, in Franklin County.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 726, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Fine:

S. 727. To repeal Act No. 494, S. 927, approved August 26, 1971, Regular Session 1971 (Acts 1971, p. 1207), entitled, "An Act Relating to counties having a population of not less than 23,900 nor more than 24,450, fixing the fee for issuance of a pistol permit by the sheriffs in such counties and providing for the distribution and use of such fees."

Committee on Local Legislation No. 1.

By Mr. Fine (with notice and proof):

S. 728. Relating to Franklin County; to provide for the fee for the issuance of pistol permits by the sheriff and for the disposition of such fee.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 728, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Ellis (with notice and proof):

S. 729. To authorize and provide for the incorporation in Jefferson County of public corporations for the purpose of promoting the industrial development of the county and municipalities therein and particularly the development and commercial use of the inland waterways in such county through the acquisition and preparation of suitable wharves, docks, warehouses, and other port and related facilities, including roads, railroads, pipelines, conveyors, and facilities suitable for use as manufacturing plants, industrial plants, and leasing or letting such buildings, structures, or facilities; to provide for the appointment and compensation of directors of any such authority; to provide for the powers, authorities and duties of any such authority and its board of directors; specifically to authorize any such authority to acquire, construct, operate, improve and finance wharves, docks, warehouses, and other port and related facilities, and specifically to apply to the United States Foreign Trade Zones Board for permission to establish, operate and maintain a foreign trade zone and, if such permission is granted, then to establish, operate and maintain such a foreign trade zone; to confer on such authority the power of eminent domain; to provide for the issuance by any such authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing revenue securities, payable solely out of the revenues of any facilities or other property of such authority, without regard to the facilities or property with respect to which such securities may have been issued; to provide that such securities shall constitute negotiable instruments; to regulate and provide further for the issuance of, security for (including the pledge of certain revenues and properties to the payment thereof), and use of the proceeds of such securities; to provide for refunding of such securities; to provide that such securities issued and contracts entered

into by any such authority pursuant to this Act shall not constitute or create a debt of the state of of any county, municipality or political subdivision of the state; to provide that any county, municipality, other political subdivision, public corporation, agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any port facilities or other property to any such authority; to exempt the property and income of any such authority, all securities issued by such authority and the income from such securities, and all conveyances, leases, mortgages and deeds of trust to which such authority is a party, from all taxation in the state, including license and excise taxes, levied by any county, municipality, or political subdivision of the state; to exempt such authority from payment of certain charges to judges of probate; to exempt every authority from certain tort liability; and to provide that certain employees of such authority shall be subject to and covered by any merit or civil service system applicable to the employees of the county and municipality by which the incorporation of the authority was authorized if there is such system applicable to the employees of both the city and county, and, if there is no such system, then to either the county or municipal system, which the authority selects; and to provide for the dissolution of any such authority and the disposition of its property.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 729, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Jones:

S. 730. To provide for the lawful destruction of any wild dog or coyote or cross-breed thereof found loose in the woods and fields of this state without a collar with name tag attached thereto during the months of March, April and May of each year.

Committee on Conservation.

By Mr. Jones:

S. 731. To amend Sections 34-2-1—34-2-24, Code of Alabama 1975, relating to the regulation of the practice of architecture; so as to further regulate the practice of architecture in the State of Alabama, to further define the term architect; to delete certain provisions relating to the cost of a building as a prerequisite to the requirement of having an architect; to require the services of architect on any proposed building which is used for the public; to authorize the Board of Registration to establish fees for residents and non-residents as a prerequisite to the giving of an examination; requires completion of a five year course of study at a school accredited by the National Architectural Accrediting Board; requires examinations for registration to be conducted at least once per year; provides for a penalty in the discretion of the Board for a late renewal fee; establishes requirements of procedural due process in revocation or suspension hearings; requires a seal to be obtained by each registrant which is authorized by the Board; prescribing additional annual penalties for the unlawful use of an architect stamp; authorizes the Board to seek conjunctive relief in circuit court against violations of this act; authorizes practice by a professional corporation or by a

professional association; regulates practice by unqualified foreign corporations; increases number of board members by adding one public member and prescribes the procedure for his election; provides for the method of filling Board vacancies; establishes limitation of two consecutive full terms for Board service; requires architect members to reside in districts from which they are appointed; authorizes the Board to establish continuing education requirements; provides that a majority of duly appointed Board members shall constitute a quorum; authorizes the Board to make donations from surplus funds to any state educational institution which has an accredited school of architecture and requires the chairman and secretary of the Board to give surety Bond.

Committee on Finance and Taxation.

By Mr. St. John:

S. 732. To amend Section 11-50-313, Code of Alabama 1975, so as to authorize the governing body of the municipality with respect to which the corporation was primarily organized, to set and establish the fee payable to the directors of the corporation.

Committee on Local Government.

By Mr. Mitchell:

S. 733. To make legislative findings regarding the shortage, in the smaller municipalities of the state, of funds needed to finance the purchase, construction and improvement of residential housing; to define the particular terms used in this Act; to provide for and authorize the incorporation for any municipality in the state having a population of 3,000 or less of a Mortgage Finance Authority, as a public corporation of the state, upon the filing of an application with, and the making of certain determinations by, the governing body of such municipality; to provide for and authorize the certificate of incorporation of any such Authority to be amended at any time and from time to time; to provide for a board of directors of any such Authority and the election of the members thereof; to provide for the officers of any such Authority and the election thereof; to provide for the general powers to be exercised by any such Authority and the conditions under which such powers may be exercised; to empower such Authority to make loans to any person or persons to purchase, construct or improve residential housing; to prescribe certain terms and conditions upon which loans may be made by any such Authority; to empower any such Authority to borrow money for its various corporate purposes and in evidence thereof to issue its notes and bonds; to prescribe certain terms and conditions upon which any such Authority may sell and issue its notes and bonds; to authorize any such Authority to pledge its revenues and mortgage or assign its assets as security for its notes and bonds; to provide a method for giving constructive notice of any pledge of revenues made by any such Authority; to provide that the notes and bonds and all other obligations of any such Authority shall not constitute or create a debt of the state or any county, municipality or other political subdivision or agency thereof; to provide that the notes and bonds of any such Authority shall constitute negotiable instruments; to permit the creation of special reserve funds to secure the payment of the principal and interest on the bonds of any such Authority; to provide for the refunding, by the issuance and sale of refunding bonds, of any notes or bonds theretofore issued or obligations theretofore assumed by any such Authority; to prescribe the remedies available to the holders of the notes and bonds of any such Authority in the event it defaults in the payment of any such notes and bonds; to provide that the notes

and bonds of any such Authority may be used for the investment of trust and other fiduciary funds; to provide for annual audit reports by any such Authority; to exempt from all taxation in this state each such Authority, its property, corporate activities, income, revenues, notes and bonds, the income from its notes and bonds, and the mortgages and deeds of trust to which such Authority is a party; to provide for the liberal construction of the provisions of this Act; to provide that any county, municipality, or other political subdivision, agency or instrumentality of the state may aid and cooperate with, lend or donate money or perform services for the benefit of, and, without the necessity of an election, donate, sell, convey, transfer, lease or grant to any such Authority any property of any kind, for use by such Authority in connection with the achievement of any of its corporate purposes pursuant to the provisions of this Act; to provide that any such Authority shall be a nonprofit corporation; to provide that any such Authority may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds by such Authority, and to provide that any action or proceeding questioning the validity of such bonds, or any pledge, mortgage or trust indenture securing the same, or the proceedings authorizing the same, must be commenced within thirty (30) days after the first publication of said notice; to provide for the procedure for the dissolution of any such Authority and the vesting of title to its properties; to provide that the provisions of the Act shall be severable.

Committee on Finance and Taxation.

By Mr. Owen:

S. 734. Relating to counties having populations of not less than 57,000 nor more than 61,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide an additional expense allowance for the tax assessor and the tax collector of such counties.

Committee on Local Legislation No. 1.

By Mr. Wilson (with notice and proof):

S. 735. Relating to Walker County; to provide further for the compensation of district judges.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 735, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Owen (with notice and proof):

S. 736. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Citronelle in Mobile County.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 736, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. McMillan:

S. 737. To further regulate the payment of use taxes; to prohibit the registration of or the issuance of license plates for any automotive vehicle, truck trailer, semi-trailer or house trailer subject to use tax under Section 40-23-61(c) of the Code of Alabama 1975, until evidence of the payment of such tax has been furnished to the judge of probate or issuing officer; to prescribe the manner of payment of such taxes; and to authorize the commissioner of revenue to formulate, issue and implement all reasonable rules and regulations necessary to enforce the provisions of this act.

Committee on Finance and Taxation.

By Mr. Baker (with notice and proof):

S. 738. Relating to Jackson County, Alabama; to provide for the budgeting for the number, classification, and compensation of employees of the Office of Sheriff of such County, and the manner of payment thereof; to provide for motor vehicles for said office and maintenance thereof; to provide for the payment of operational cost of the Sheriff's Office; and repealing conflicting laws.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 738, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Starkey (with notice and proof):

H. 589. Relating to Jackson County, Alabama and providing for semi-annual publication by the Jackson County Commission of a report showing the receipts and expenditures for said County, together with the indebtedness thereof; providing for the payment of the cost of such publications; repealing conflicting laws; and providing penalties for violating the provisions of said Act.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 589, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Messrs. Holmes (D), Merrill, Shelton and Quarles (with notice and proof):

H. 621. Relating to Calhoun County; to provide that certain homebaked or homemade goods shall not be subject to the regulations of any state or county health department.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 621, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Messrs. Hill, Greer, Coburn and Goodwin:

H. 327. To amend Section 32-6-3 of the Code of Alabama 1975 relating to examinations prior to application for the license or renewal of a driver's license so as to provide that the director of public safety may designate counties where persons may be examined.

Also:

By Messrs. Williams and Sasser (with notice and proof):.

H. 642. To alter or rearrange the boundary lines of the Town of Grimes, Dale County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits, and also certain other territory in Dale County, Alabama.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 642, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Mr. Johnstone:

H. 222. To fix the compensation for all district and circuit court bailiffs in the Thirteenth Judicial Circuit and to provide for payment of a certain portion thereof by the county in which such bailiffs serve.

Also:

By Mr. Morris (with notice and proof):

H. 663. To alter and rearrange the boundaries of the city of Alexander City in Tallapoosa County, so as to exclude certain territory from the corporate limits of the city.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 663, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Messrs. Waggoner and Moore (O) (with notice and proof):

H. 732. To provide an expense allowance for the District Judge of Shelby County.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 732, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Messrs. Lockett, Edwards and Pegues (with notice and proof):

H. 744. Relating to Dallas County; to provide a District Attorney's Fund for Dallas County; and to provide an expense supplement for the District Attorney, Deputy District Attorney or the Assistant District Attorney serving as Deputy District Attorney and the part-time Assistant District Attorney for Dallas County from the District Attorney's Fund.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 744, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Messrs. Lockett, Edwards and Pegues (with notice and proof):

H. 745. Relating to Dallas County; further regulating the handling and expenditures of certain court fees accruing to Dallas County; establishing the Dallas County Law Library Fund and authorizing the expenditures of such funds; creating the Dallas County Law Library Board and providing for its appointment, powers and duties; providing for taxation of \$3.00 court costs as a law library fee in all criminal, quasi-criminal, or civil cases or other proceedings in the circuit court, district court, and small claims court of Dallas County; and repealing certain laws of Dallas County relating to the county and circuit courts.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 745, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Messrs. Baker and Whatley:

H. 770. To amend further Section 11-6-2 of the Code of Alabama 1975, as amended, so as to provide further for the qualifications of the county engineer in certain counties of this state.

Also:

By Messrs. Goodwin and Coburn (with notice and proof):

H. 821. Relating to Colbert County; authorizing the state highway department to use county road funds to maintain mail routes, school bus routes and church and public cemetery roads.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 821, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Messrs. Goodwin and Coburn (with notice and proof):

H. 827. Relating to Colbert County; to provide an additional expense

allowance for the members of the board of registrars; and to provide for retroactive effect.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 827, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Mr. Campbell (with notice and proof):

H. 828. To provide for purging the lists of registered voters in Choctaw County; requiring and prescribing the procedure for the re-identification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the re-identification of registered voters; and providing a penalty for willfully making a false statement in connection with re-identification.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 828, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Messrs. Coburn and Goodwin (with notice and proof):

H. 832. Relating to Colbert County; authorizing the county commission to require prior approval of subdivision road plats.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 832, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Mr. Williams (with notice and proof):

H. 867. Relating to Dale County; to amend Act 553, H. 1296, 1977 Regular Session (Acts of 1977, p. 744) so as to allow certain employees continued employment.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 867, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Messrs. Barron, Harris, Wyatt and Langford (with notice and proof):

H. 822. Relating to Montgomery County; to change the method of compensating the tax assessor, placing said official on a salary basis; to provide that the fees, commissions and allowances provided such official shall be paid into the county treasury; and provide that the cost of the operation of the office of tax assessor shall be borne in part by the City of Montgomery.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 822, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 589, 621, 642, 222, 663, 732, 744, 745, 770, 821, 827, 828, 832, 867, and 822. To the Committee on Local Legislation No. 1

H. B. 327. To the Committee on State Government

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Lutz (with notice and proof):

H. 704. Pertaining to Madison County; to repeal Act Number 608, H. 1685, Regular Session 1973 (Acts p. 867) as amended by Act Number 435, H. 901, Regular Session 1975 (Acts p. 1045).

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 704, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Mr. Lutz (with notice and proof):

H. 707. Pertaining to Madison County; to repeal Act Number 895, H. 159, Regular Session 1975 (Acts p. 1753).

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 707, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Messrs. Greer, Hill and Coburn (with notice and proof):

H. 746. Relating to Lauderdale County; to provide that the County Superintendent of Education may maintain central offices anywhere within the county and that such offices be used for central office space only.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 746, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Mr. McCorquodale (with notice and proof):

H. 794. Relating to Clarke County; to provide further for the compensation of the members of the county governing body.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 794, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Messrs. Martin, Roberts, Cross and Drake (with notice and proof):

H. 856. Relating to Morgan County; to alter, rearrange and extend the boundary lines and corporate limits of the Town of Trinity.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 856, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Mr. Carothers (with notice and proof):

H. 630. Relating to Houston County; to prescribe the composition of the hospital board of said county; to ratify and confirm all previous acts of said board in approving and authorizing the sale of bonds for financing hospitals in said county and to provide for supplemental effect.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 630, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Messrs. Reed and Folmar (with notice and proof):

H. 783. To provide further for the salary of the Sheriff of Bullock County.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 783, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Messrs. Smith (M) and Ward (with notice and proof):

H. 810. To repeal Act No. 50, H. 91, 1977 First Special Session (Acts of 1977, p. 1472), entitled "An Act Relating to all counties having a population of not less than 35,000 nor more than 38,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide additional compensation for the members of the county commission."

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 810, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Messrs. Smith (M) and Ward (with notice and proof):

H. 811. Relating to Chambers County; to provide additional compensation for the members of the county commission.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 811, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Mr. Smith (J) (with notice and proof):

H. 838. To alter and rearrange the boundaries of the municipality of Taylor in Houston County, so as to exclude certain territory from the corporate limits of the municipality.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 838, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Messrs. Smith (J) and Crawford (with notice and proof):

H. 839. Relating to Houston County; to repeal Act No. 936, H. 1064, 1975 Regular Session (Acts of 1975, p. 1955), entitled "To create the office of license commissioner in Houston County; to provide for his appointment and future election; to fix his compensation and allowance, prescribe his duties, define his powers and provide for the operation of his office."

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 839, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Mr. Warren (with notice and proof):

H. 902. Relating to Conecuh County; to provide an additional expense allowance for the county coroner.

I hereby certify that this Notice and Proof is attached to the Bill, H. B. 902, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Mr. Warren:

H. 903. To repeal Act No. 723, H. 1207, Regular Session 1976 (Acts of 1976, p. 1006), entitled "An Act To provide an additional expense allowance for the county coroner of all counties having populations of not less than 15,625 nor more than 15,850 inhabitants according to the 1970 or any subsequent federal decennial census"

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 704, 707, 746, 794, 856, 630, 783, 810, 811, 838, 839, 902, and 903. To the Committee on Local Legislation No. 1.

REPORTS OF COMMITTEES

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit.

By Mr. Merrill (With Substitute):

H. 170. To make further appropriations of State Funds for the fiscal year ending September 30, 1978.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Gafford:

H. 122. To authorize the legislature of the State of Alabama to control the usage of certain parking spaces on certain streets immediately adjacent to the capital grounds of the City of Montgomery and certain other parking spaces on state property; to direct the Chief of Service of the Division of Service to work under the direction and control of the joint legislative parking committee created by Act No. 8, Organizational Session 1975 in regard to assigning said parking.

By Mr. Crawford:

H. 269. Relating to the eradication and control of swine diseases: to make an appropriation to the department of agriculture and industries for the fiscal year ending September 30, 1979, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention

and eradication of the disease of hog cholera, African swine fever and other swine diseases.

By Mr. Martin, et al:

H. 854. To amend Code of Alabama 1975, Section 17-4-14, which relates to the preparation and publication of poll lists so as to change the dates of said publication.

By Messrs. Gilmore, Wilson, Miller and Goodwin:

S. 243. To prescribe the annual salary of the Commissioner of Agriculture and Industries and to provide for the effective date of this Act.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Messrs. King, McMillan, Edwards, Stewart, Noonan, McDonald (S), McDonald (A), Baker, Bank, Owen and Roberts (With Substitute):

S. 386. To create the Alabama Travel Commission; to provide for its membership, powers, duties, personnel and compensation; to transfer to the Alabama Travel Commission all the rights, powers, duties, authority, funds, property, books, records and effects of the State Bureau of Publicity and Information created by Chapter 7 of Title 41 of the Code of Alabama, 1975, and/or the office of the Director of Publicity established under the authority of said Chapter; establishing an Alabama Travel Commission Fund; authorizing the establishment of a Commission to be known as the Alabama Travel Commission; repealing all laws and parts of laws in conflict with the provisions hereof; and providing for the effective date of this Act.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Mitchell:

S. 503. To amend Sections 31-6-4, 31-6-5, and 31-6-6 of the Code of Alabama 1975, relating to the educational benefits for the children and the wives and widows of deceased or totally disabled veterans, to extend those benefits to the children or the wives or widows of all veterans whose death or permanent disabilities are service-connected.

By Mr. Bank:

S. 564. To make an appropriation to the state board of social work examiners from the state board of social work examiners' fund which is on deposit in the state treasury, for purposes of salaries and other expenses.

By Messrs. Higginbotham and Adams:

S. 586. To authorize the execution of, and to give advance approval to, a compact between the State of Alabama and the State of Georgia to identify, acquire, own, transport, renovate, maintain, and exhibit historic or military articles, exhibits and attractions; to promote tourism throughout the Chattahoochee Valley; to establish a joint agency to be known as the Historic Chattahoochee Commission and other offices for the administration of the compact; to prescribe the authority, powers, duties and functions of the

Commission and its members, officers, and committees; and to provide penalties for violation of certain provisions of the compact.

By Mr. Adams:

S. 630. To amend Section 37-27-16 of the Code of Alabama 1975 relating to retirement under the state employees' retirement system so as to provide that a beneficiary shall not be deemed returned to active service as long as such beneficiary is employed by an employer in a position in which such employee is prohibited from participating in the retirement system.

By Mr. King:

S. 632. To further amend Section 4 of Act No. 551, H. 321, Regular Session 1967 (Acts 1967, Vol. II, p. 1300), as amended, relating to the Alabama State Council on the Arts and Humanities so as to bring the employees of such Council under the provisions of the Merit System Act and State Employees' Retirement System.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with substitute, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Pearson, Vacca, Ellis, Clemon, McMillan, Wilson, Gilmore and Proctor (With Substitute):

S. 644. To create an additional judgeship for the Tenth Judicial Circuit of Alabama; to provide for the election of an incumbent thereof; to prescribe the jurisdiction, powers, authority, qualifications, duties, and compensation of such incumbent, and to render such incumbent liable to all the pains and penalties of other Circuit Judges in the State; to further provide for a division of authority and duties between judgeships in said Circuit; to increase the number of Circuit Judges in the Tenth Judicial Circuit of Alabama to 20; to repeal all laws or parts of laws in conflict herewith; and to provide the effective date of this Act.

By Messrs. Vacca, Pearson, Ellis, Clemon, McMillan, Wilson, Gilmore and Proctor (With Substitute):

S. 645. To amend Section 12-17-61(4) of the 1975 Code of Alabama; to reduce the number of District Judges in Jefferson County from 12 to 11 District Judges; to repeal all laws in conflict herewith; to provide the effective date during which said reduction in District Judgeships from 12 to 11 in Jefferson County shall be effective; and to provide the effective date of this Act.

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Teague and Proctor:

S. 659. To appropriate \$1,200,000.00 from the Special Educational Trust Fund to the Alabama Institute for the Deaf and Blind for capital outlay purposes for the fiscal year ending September 30, 1979.

By Messrs. Teague and Proctor:

S. 660. To appropriate \$570,000.00 from the Special Educational Trust Fund to the Adult Department of the Alabama Institute for Deaf and Blind for the construction, erection, maintenance and equipping of a sheltered workshop for the deaf and severely handicapped for the fiscal year ending September 30, 1979.

By Mr. Owen:

S. 661. Appropriating \$4,976.80 from the state general fund for the relief of Thomas H. Frazier who incurred said amount of medical expenses as a result of certain injuries suffered by his minor son, Brian Craig Frazier.

By Mr. Edwards:

S. 675. To provide capital outlay funds for seven (7) emergency renovation projects in postsecondary education institutions. These seven projects were identified during the course of on-site visits by a qualified team of facilities and campus planning persons who traveled the entire state of Alabama to evaluate institutional requests for renovation funds. The emergency nature of the renovation required for these projects is such that the need cannot be postponed in anticipation of a bond issue and the necessary delay associated with gaining the proceeds from such an issue. Additionally, the institutions do not have unearmarked or uncommitted funds which could be directed toward the alleviation of these conditions.

Mr. St. John, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Drake:

H. 158. To name the administration building at George C. Wallace State Community College at Hanceville, Cullman County, Alabama, "The Harlan G. Allen Building."

Mr. St. John, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Goodwin (With Substitute):

S. 500. To abolish rights of action for personal injury, death, or property damage sustained or aggravated by reason of a defective product or failure to warn or to properly instruct with respect to such product where such personal injury, death, or property damage is sustained or aggravated more than six (6) years after the manufactured product was purchased or more than eight (8) years after the date the product was manufactured (but in no case longer than eight (8) years) otherwise obtained for use by a consumer; to provide for the severability of this Act; and to provide the manner in which this bill becomes law.

Mr. St. John, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. St. John:

S. 674. To adopt and incorporate into the Code of Alabama 1975 all of the general and permanent laws of the State of Alabama adopted during the 1976 and 1977 sessions of the Legislature and Act No. 144, S. 58, 1975 3rd Special Session, effective December 1, 1976, with the exception of the Alabama Criminal Code (Act No. 607, S. 33, 1977 Regular Session), as contained in the 1977 Cumulative Supplement to the Code of Alabama 1975 and to make certain corrections in such Cumulative Supplement.

Mr. Baker, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Mims (with notice and proof):

S. 676. Relating to Monroe County; providing additional expense allowances for members of the board of education.

By Mr. Mims (with notice and proof):

S. 677. To authorize the Presiding Circuit Judge of the 35th Judicial Circuit to withdraw a certain amount from the Solicitor's Funds which comprise such Circuit to be used for the effective administration of justice.

By Mr. Mims (with notice and proof):

S. 682. To authorize the Presiding Circuit Judge of the 35th Judicial Circuit to withdraw a certain amount from the Solicitor's Funds which comprise such Circuit to be used for the effective administration of justice.

RESOLUTIONS

Messrs. Shelby, Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Stewart, Teague, Vacca, Waldrop, and Wilson offered the following Senate Joint Resolution, to-wit:

S. J. R. 415. AUTHORIZING THE NAMING OF THE UNIVERSITY OF ALABAMA BASEBALL FIELD, NOW CALLED "THOMAS FIELD" THE "SEWELL-THOMAS FIELD."

WHEREAS, Joe Sewell of Tuscaloosa, Alabama, who is a member of both the Alabama Sports Hall of Fame and Baseball's Hall of Fame at Cooperstown, New York, and played on the great Yankee baseball teams along with Babe Ruth and Lou Gehrig; and

WHEREAS, during a professional career of fourteen years, he batted .312 and drove in 1,051 runs, he also is affectionately known as "No Strike Joe" for having been struck out the fewest times of any player in major league history, only 114 times in more than 7,000 trips to the plate, and with only four strike-outs in 1925 and again in 1929; and

WHEREAS, Joe Sewell coached the University of Alabama's baseball teams from 1964 to 1968; and

WHEREAS, as an outstanding athlete who has enjoyed an enviable and laudable career in professional baseball, and as a beloved former baseball

coach at the University of Alabama, Joe Sewell is richly deserving of honor by this body and by the citizens of our state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the University of Alabama baseball field located at Tuscaloosa, now called "Thomas Field" be and the same is named and shall be designated the "Sewell-Thomas Field."

BE IT RESOLVED FURTHER, That the Secretary of the Senate is hereby directed to forward a copy of this resolution to Mr. Joe Sewell.

On motion of Mr. Shelby, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Shelby offered the following Senate Joint Resolution, to-wit:

S. J. R. 416. AUTHORIZING THE NAMING OF THE UNIVERSITY OF ALABAMA GOLF COURSE THE HARRY H. PRITCHETT GOLF COURSE.

WHEREAS, Harry H. Pritchett, a distinguished alumnus of The University of Alabama and a prominent Tuscaloosa businessman, has made substantial contributions to the development and support of the University during his entire adult life, serving in positions of leadership in stimulating private philanthropy and providing wise counsel to its presidents in many areas of University progress and development; and

WHEREAS, Mr. Pritchett has a special interest in the recreation and physical education program at The University of Alabama and is himself an avid golfer, having won the Alabama Amateur golf championship and the Alabama Senior golf championship on several occasions; and

WHEREAS, The Board of Trustees of The University of Alabama has previously authorized the naming of the eighteen hole golf course at The University of Alabama in his honor and the legislature deems it fitting that such action be approved; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That The University of Alabama golf course be and the same hereby is named the Harry H. Pritchett Golf Course in honor of Harry Pritchett.

BE IT FURTHER RESOLVED, That the Secretary of the Senate is directed to forward a copy of this resolution to Mr. Harry H. Pritchett so that he may know of our esteem.

On motion of Mr. Shelby, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Shelby and Little offered the following Senate Joint Resolution, to-wit:

S. J. R. 417. AUTHORIZING THE NAMING OF THE STUDENT HEALTH CENTER ON THE CAMPUS OF THE UNIVERSITY OF ALABAMA, the "Thomas D. and Julia W. Russell Hall."

WHEREAS, Thomas D. Russell, a distinguished alumnus of the University of Alabama, and his equally illustrious wife, Julia W. Russell, have manifested generously their support and loyalty to the University for many years, twenty-seven of which Thomas Russell has served as an elected or life member of the Board of Trustees; and

WHEREAS, Mr. and Mrs. Russell have been interested especially in the development and support of all major health care activities in the state and, therefore, it would be particularly fitting for them to be honored by having the impressive student health center on the University of Alabama campus in Tuscaloosa bear their names; and

WHEREAS, the Board of Trustees of the University of Alabama has previously authorized the naming of this building for Mr. and Mrs. Russell, subject to legislative approval, and the members of the legislature wish to join in honoring again these outstanding Alabamians by approving this action; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the student health center on the campus of the University of Alabama be and the same hereby is named, "Thomas D. and Julia W. Russell Hall" in honor of Thomas and Julia Russell.

BE IT RESOLVED FURTHER, That the Secretary of the Senate is directed to forward copies of this resolution to Mr. and Mrs. Russell.

On motion of Mr. Shelby, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Pearson, Clemon, and Gilmore offered the following Senate Resolution, to-wit:

S. R. 418. COMMENDING CATHY FRANCHETTE SHEPARD OF BIRMINGHAM, ALABAMA.

WHEREAS, the Senate of Alabama has noted the many and outstanding accomplishments of Miss Cathy Franchette Shepard who is a senior at West End High School in Birmingham, Alabama, where she has been named the Most Outstanding Senior for 1978, an honor also accorded in 1974 when she was voted the most outstanding member of her freshman class; and

WHEREAS, Miss Shepard, who is a National Merit Achievement Scholarship Finalist and vice president of the Honor Society, is also a member of the Student Government Association, was voted "Most Likely to Succeed" and is valedictorian of her class; and

WHEREAS, her activities extend further to include membership in the Jack and Jill Club of America, the Sparkle Fashion Group, Tri-Hi-Y, Thespian Society, Science Club and the Modern Music Masters Society which she serves as secretary; she also is a member of the West End High School Band, participates in the High School Executive Internship Program, is Senior Editor of the journalism yearbook staff and served as a Senate Page during the 1978 Regular Session of the Alabama Legislature; and

WHEREAS, Miss Shepard in addition to her many school related activities, is deeply involved in the work of the Sixth Avenue Baptist Church of which she is a member; she is a member of the choir, assistant secretary in the Youth Fellowship of her church, and faithful in attendance; now therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, That we most highly commend and praise Cathy Franchette Shepard of Birmingham, Alabama, for notable achievement, and for the many awards and honors during her outstanding high school career.

BE IT FURTHER RESOLVED, That Miss Shepard receive a copy of this resolution as evidence of this body's high praise, admiration and esteem.

On motion of Mr. McMillan, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Pearson, Clemon, and Gilmore offered the following Senate Joint Resolution, to-wit:

S. J. R. 419. COMMENDING CATHY FRANCHETTE SHEPARD OF BIRMINGHAM, ALABAMA.

WHEREAS, the Legislature of Alabama has noted the many and outstanding accomplishments of Miss Cathy Franchette Shepard who is a senior at West End High School in Birmingham, Alabama, where she has been named the Most Outstanding Senior for 1978, an honor also accorded in 1974 when she was voted the most outstanding member of her freshman class; and

WHEREAS, Miss Shepard, who is a National Merit Achievement Scholarship Finalist and vice president of the Honor Society, is also a member of the Student Government Association, was voted "Most Likely to Succeed" and is valedictorian of her class; and

WHEREAS, her activities extend further to include membership in the Jack and Jill Club of America, the Sparkle Fashion Group, Tri-Hi-Y, Thespian Society, Science Club and the Modern Music Masters Society which she serves as secretary; she also is a member of the West End High School Band, participates in the High School Executive Internship Program, is Senior Editor of the journalism yearbook staff and served as a Senate Page during the 1978 Regular Session of the Alabama Legislature; and

WHEREAS, Miss Shepard in addition to her many school related activities, is deeply involved in the work of the Sixth Avenue Baptist Church of which she is a member; she is a member of the choir, assistant secretary in the Youth Fellowship of her church, and faithful in attendance; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and praise Cathy Franchette Shepard of Birmingham, Alabama, for notable achievement, and for the many awards and honors during her outstanding high school career.

BE IT FURTHER RESOLVED, That Miss Shepard receive a copy of this resolution as evidence of this body's high praise, admiration and esteem.

On motion of Mr. McMillan, the Rules were suspended and the Resolution was adopted by the Senate.

BILLS ON THIRD READING

The Bill:

S. 390. To provide a county supplement in lieu of all existing county supplements to the salaries of the circuit judges of the thirty-seventh judicial circuit to be paid by the county composing said circuit, to require certain contributions of said judges who participate in the county retirement system, and to repeal conflicting laws.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Ellis, Fine, Foshee, Gilmore, Higginbotham, Little, McDonald (S), Mims, Mitchell, Noonan, Owen, Peden, Perry, Powell, Proctor, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

S. 576. Relating to Marshall County; to provide for a cost of living salary increase for the employees of the sheriff's department retroactive to October 1, 1977; and to provide that the salaries of the employees of the sheriff's department shall in the future be set by the salary commission that sets the salaries of other county employees.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Jones, King, Little, McDonald (S), Mims, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Stewart, Vacca, Wilson.

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Nays:

—0

The Bill:

S. 469. To amend Section 1 of Act No. 130, S. 15 of the Fourth Special Session of 1975 which provided for supplementing the compensation paid to retired or supernumerary circuit judges in the 37th Judicial Circuit so as to further restrict eligibility for such supplemental compensation.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Foshee, Gilmore, Higginbotham, Little, McMillan, Mims, Mitchell, Owen, Peden, Perloff, Perry, Powell, Proctor, St. John, Shelby, Stewart, Vacca, Waldrop, Wilson.

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Nays:

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The Bill:

S. 662. Relating to Chambers County; to provide additional compensation for the members of the county commission.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Foshee, Gilmore, Higginbotham, Little, Mims, Mitchell, Noonan, Pearson, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Waldrop, Wilson.

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Nays:

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MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 517. RECOGNIZING THE TERMINAL RESTAURANT AS MOBILE'S OLDEST AND MOST UNIQUE DINING ESTABLISHMENT.

Also:

H. J. R. 518. COMMENDING MR. W. C. CLEWIS OF MOBILE, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

BILLS ON THIRD READING RESUMED

The Bill:

S. 663. To repeal Act No. 50, H. 91, 1977 First Special Session (Acts of 1977, p. 1472), entitled "An Act Relating to all counties having a population of not less than 35,000 nor more than 38,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide additional compensation for the members of the county commission."

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Bank, Edwards, Ellis, Fine, Foshee, Gilmore, Higginbotham, Little, McMillan, Mims, Mitchell, Owen, Pearson, Peden, Perry, Powell, Proctor, Roberts, St. John, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

Nays: —0

The Bill:

S. 700. Relating to Elmore County; to regulate and control the operation and licensing of massage parlors and to provide penalties for violation.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Clemon, Ellis, Fine, Foshee, Gilmore, Jones, King, Little, McMillan, Mitchell, Owen, Pearson, Peden, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

Nays: —0

The Bill:

S. 683. To provide for the filling of vacancies in any elected county offices in Etowah County and to repeal all conflicting statutes.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Foshee, Goodwin, Jones, King, Little, McDonald (S), Mims, Mitchell, Noonan, Owen, Perloff, Perry, Powell, Proctor, Roberts, Shelby, Stewart, Teague, Waldrop.

—25

Nays: —0

The Bill:

S. 684. To provide for the filling of vacancies in any elected Judicial Article offices in Etowah County and to repeal all conflicting statutes.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (S), Mims, Mitchell, Noonan, Owen, Perry, Powell, Proctor, Roberts, St. John, Stewart, Teague, Waldrop.

—25

Nays: —0

The Bill:

S. 689. Relating to Russell County; to change the method of compensating certain county officers, placing the officers on a salary and providing for a clerk hire allowance for each of such officers.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Foshee, Gilmore, Higginbotham, King, Little, Mims, Mitchell, Noonan, Owen, Perloff, Perry, Powell, Proctor, Roberts, St. John, Stewart, Teague, Vacca, Waldrop, Wilson.

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Nays:

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The Bill:

S. 690. To further amend Section 13 of Act 418, S. 358, approved November 13, 1959 (Acts 1959, p. 1107), which Act authorized the governing body of DeKalb County, Alabama to impose a certain gasoline excise tax within said county so as to provide further for the disposition of the proceeds from such tax.

was taken up.

Mr. Baker offered the following amendment to the Bill, S. B. 690, to-wit:

AMENDMENT TO S. B. 690

Amend Senate Bill No. 690 Page 2 Line 25, by inserting after the word "law," the following,

"Provided, however, that this Act shall be effective for fiscal years 1978-1979 and 1979-1980 beginning October 1, 1978 and ending September 30, 1980 and thereafter said act shall be null and void."

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Jones, King, Little, McDonald (S), Mims, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Vacca, Waldrop, Wilson.

—25

Nays:

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And said Bill, S. B. 690, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Jones, King,

Little, McDonald (S), Mims, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Vacca, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

S. 691. To provide for the director's fee and expense allowance of the chairman and each member of the board of directors of the Jasper Utilities Board.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Jones, King, Little, McMillan, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Powell, St. John, Stewart, Teague, Vacca, Wilson.

—25

Nays:

—0

The Bill:

S. 703. To alter, rearrange and extend the boundaries and corporate limits of the City of Pell City, St. Clair County, Alabama, so as to annex certain territory to the city.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Ellis, Fine, Foshee, Gilmore, Goodwin, Jones, King, Little, Mims, Mitchell, Owen, Pearson, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Teague, Waldrop, Wilson.

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Nays:

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The Bill:

H. 105. To amend further Section 1 of Act No. 387, H. 969, Regular Session 1969 (Acts 1969, p. 764), as amended by Act No. 298, H. 720, Regular Session 1971 (Acts 1971, p. 602), which act provides for the issuance of pistol permits in certain counties classified on a population basis; so as to increase the cost of said pistol permits.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee,

Gilmore, Jones, King, Little, McMillan, Mims, Noonan, Owen, Perloff, Powell, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

Nays:

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The Bill:

H. 218. Providing for the establishment of a merit system for the Sheriff's Department of DeKalb County, Alabama, and a Merit System Board governing the removal and official conduct of employees of such department; defining violations of the act; imposing penalties for violations; and repealing conflicting laws.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Jones, King, Little, McDonald (S), Mims, Mitchell, Noonan, Owen, Peden, Perry, Powell, Proctor, Roberts, St. John, Shelby, Vacca, Wilson.

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Nays:

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MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 473. Relating to Limestone County; to provide for the compensation for the county superintendent of education and the county board of education.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. McDonald (A), the Senate concurred in and adopted the following House amendment to the Bill, S. B. 473, the title of which is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO S. B. 473

Amend S. B. 473, page 1, Section 1, lines 22, 23 and 24, by striking the words Such salary shall be in lieu of all other compensation heretofore provided by law.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Ellis, Fine, Foshee, Goodwin, Jones, King, McDonald (A), McMillan, Mims, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, St. John, Shelby, Teague, Vacca, Waldrop, Wilson.

—25

Nays:

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MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 472. Relating to Limestone County; providing for the compensation and expense allowance of certain county officers.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. McDonald (A), the Senate concurred in and adopted the following House amendment to the Bill, S. B. 472, the title of which is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO S. B. 472

Amend Line 36 by striking the word "annually" and inserting in lieu therefor the word "monthly"

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Ellis, Fine, Foshee, Gilmore, Goodwin, Jones, King, McDonald (A), McMillan, Mims, Noonan, Owen, Peden, Perry, Powell, Roberts, St. John, Shelby, Teague, Vacca, Waldrop, Wilson.

—25

Nays:

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UNFINISHED BUSINESS

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the Unfinished Business for today, the first item of which was the Bill:

S. 549. To amend Sections 610, 2612, and 630 of Act No. 607, S. 33, Regular Session 1977 (Acts of Alabama 1977, p. 812), the Alabama Criminal Code, so as to further provide and clarify the instances when a person may use deadly physical force in defense of a person, to change the designation, classification and penalty for the offense of burglary in the third degree, and to further provide and clarify the instances when and the amount of force a peace officer or guard may use in making an arrest or preventing an escape.

Mr. Clemon offered the following substitute for the Bill, S. B. 549, to-wit:

SUBSTITUTE FOR S. B. 549

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 2612, and 630 of Act No. 607, S. 33, Regular Session 1977 (Acts of Alabama 1977, p. 812), the Alabama Criminal Code, so as to

change the designation, classification and penalty for the offense of burglary in the third degree, and to further provide and clarify the instances when and the amount of force a peace officer or guard may use in making an arrest or preventing an escape.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 2612 and 630 of Act No. 607, S. 33, Regular Session 1977 (Acts of Alabama 1977, p. 812), the Alabama Criminal Code, are hereby amended to read as follows:

Sec. 2612. Burglary in the Third Degree.

"(1) A person commits the crime of burglary in the third degree if he knowingly enters or remains unlawfully in a building with intent to commit a crime therein involving violence to a person or loss or destruction of property.

"(2) Burglary in the third degree is a Class A misdemeanor C felony.

Sec. 630. Justification. Use of Force in Making an Arrest or Preventing an Escape.

"(1) A peace officer is justified in using physical force upon a person being legally arrested or trying illegally to escape when and to the extent that the peace officer reasonably believes it necessary, or that degree of physical force which he reasonably believes to be necessary, upon a person in order:

"(a) To make the an arrest for a misdemeanor, violation, or criminal ordinance or to prevent the escape from custody of an arrested a person arrested for a misdemeanor, violation, or criminal ordinance, unless the peace officer knows that the arrest is unauthorized; or

"(b) To defend himself or a third person from what he reasonably believes to be the use or imminent use of physical force while making or attempting to make an arrest for a misdemeanor, violation, or criminal ordinance, or while preventing or attempting to prevent an escape from custody of a person who has been legally arrested for a misdemeanor, violation, or criminal ordinance.

"(2) A peace officer is justified in using deadly physical force upon another person for a purpose specified in subsection (1) only when he reasonably believes it is necessary when and to the extent that he reasonably believes it necessary in order:

"(a) To make an arrest for a felony or to prevent the escape from custody of a person whom he reasonably believes (i) has committed or attempted to commit a felony involving the use of deadly physical force, or (ii) is attempting to escape by the use of a deadly weapon, or (iii) otherwise indicates that he is likely to endanger human life or to inflict serious physical injury unless apprehended without delay;

"(b) To defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force.

"(3) Nothing in subsections (1)(a) or (2)(a) constitutes justification for reckless or criminally negligent conduct by a peace officer amounting to an offense against or with respect to innocent persons whom he is not seeking to arrest or retain in custody.

"(4) A peace officer who is effecting an arrest pursuant to a warrant is justified in using the physical force prescribed in subsections (1) and (2) unless the warrant is invalid and is known by the officer to be invalid.

"(5) Except as provided in subsection (6), a person who has been directed by a peace officer to assist him to effect an arrest or to prevent an escape from custody is justified in using physical force when and to the extent that he reasonably believes that force to be necessary to carry out the peace officer's direction unless he knows or believes or should in the exercise of average reason know that the arrest or prospective arrest is not or was not authorized.

"(6) A person who has been directed to assist a peace officer under circumstances specified in subsection (5) may use deadly physical force to effect an arrest or to prevent an escape only when:

"(a) He reasonably believes that force to be necessary to defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force; or

"(b) He is authorized by the peace officer to use deadly physical force and the peace officer himself is authorized to use deadly physical force under the circumstances.

"(7) A private person acting on his own account is justified in using physical force upon another person when and to the extent that he reasonably believes it necessary to effect an arrest or to prevent the escape from custody of an arrested person whom he reasonably believes has committed a felony and who in fact has committed that felony, but he is justified in using deadly physical force for the purpose only when he reasonably believes it necessary to defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force.

"(8) A guard or peace officer employed in a detention facility is justified:

"(a) In using deadly physical force when and to the extent that he reasonably believes it necessary to prevent what he reasonably believes to be the escape of a prisoner accused or convicted of a felony from the maximum security portion of any detention facility, or from armed escort or guard;

"(b) In using physical force, but not deadly physical force, in all other circumstances when and to extent that he reasonably believes it necessary to prevent what he reasonably believes to be the escape of a prisoner from a detention facility.

"(c) "Detention facility" means any place used for the confinement, pursuant to law, of a person:

"(i) Charged with or convicted of an offense; or

"(ii) Charged with being or adjudicated a youthful offender, a neglected minor or juvenile delinquent; or

"(iii) Held for extradition; or

"(iv) Otherwise confined pursuant to an order of a criminal court."

"This act shall take effect one year at 12:01 A.M. o'clock on June 1, 1979. after its passage and approval thereof by the Governor or one year after its otherwise becoming a law as provided in Article 5, Section 125 of the Constitution of Alabama 1901.

Which was adopted.

Yeas 28; Nays 0.

Yeas:

Messrs. Adams, Baker, Clemon, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Peden, Perloff, Perry, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—28

Nays:

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And said Bill, S. B. 549, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Peden, Perloff, Proctor, Roberts, St. John, Stewart, Vacca.

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Nays:

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COMMUNICATION FROM THE SUPREME COURT

To the Members of the Senate
State Capitol
Montgomery, Alabama 36130

Gentlemen:

We acknowledge receipt of and thank you for your Senate Resolution No. 378 requesting our advisory opinion relative to H. B. 94:

BE IT RESOLVED BY THE SENATE OF ALABAMA, That pursuant to Section 12-2-10, Code of Alabama 1975, the Senate respectfully requests the written opinions of the Honorable Chief Justice and Associate Justices of the Supreme Court of Alabama, or a majority of them, on the following important constitutional question that has arisen concerning a pending bill, House Bill No. 94, a true and correct copy of which is attached hereto:

Does H. B. 94 introduced at the 1978 Regular Session of the Legislature of Alabama, by pledging for the payment of the principal of and interest due on the revenue bonds authorized therein to be issued, the receipts of a special processing charge imposed on all coal processed through the coal-handling facilities at the Port of Mobile to be constructed with the proceeds of the revenue bonds therein authorized and the coal-handling facilities constructed with the proceeds of the revenue bonds authorized by Act No. 64

enacted at the 1971 Special Session of the Legislature of Alabama, as amended by Act No. 2306 enacted at the 1971 Regular Session of the Legislature of Alabama, authorize the State to create or incur new debt in violation of Section 213, Constitution of Alabama of 1901, as amended by Amendment No. 26?

RESOLVED FURTHER, That the Secretary of the Senate is directed to send nine (9) true copies of the pending bill, H. B. 94, to the Clerk of the Supreme Court of Alabama, and to transmit this request to the Justices of the Supreme Court of Alabama forthwith upon adoption of this resolution.

Having examined the terms of H. B. 94, it is our opinion that the transaction contemplated by that Act will not create a debt in violation of Section 213 of the Alabama Constitution 1901, as amended by Amendment No. 26.

The proscription contained in that section refers to the creation of new debt. The legislation in question would authorize an increase in revenue bonds the sale of which would fund improvements in existing seaport facilities and also the construction of additional seaport facilities, all such designed to handle bulk facilities. Even though existing facilities are to be improved, H. B. 94 does not divert funds derived from the employment of any such existing facilities for the payment of either principal or interest on these proposed revenue bonds. Those payments are to be made solely from the revenue generated by the special processing charge provided for by the bill which pledges such charges for the payment of the bonds issued thereunder.

It has been held that when the State pledges income from an existing facility to repay borrowed money, "there is a pledge of something the State already has, a part of the credit of the State." Opinion of the Justices, 266 Ala. 78, 93 So.2d 923 (1957). If, on the other hand, the State pledges revenue from a source it did not possess before, such action does not divert funds or property which could have been used for other purposes. Thus a part of the full faith and credit of the State is not being pledged and no new debt is created in violation of the constitutional limitations on debt. While the statements in the Act, that the evidence of debt shall not constitute a debt of the State of Alabama and shall not pledge the full faith or credit of the State of Alabama, do not in themselves govern this question, this is not to state that their presence in those documents would not be of assistance in demonstrating this limitation to prospective purchasers. *Lang v. City of Mobile*, 239 Ala. 331, 195 So. 248 (1940); Opinion of the Justices, 266 Ala. 78, 93 So.2d 923 (1957); *In Re Opinion of the Justices*, 226 Ala. 570, 148 So. 111 (1933); *In Re Opinion of the Justices*, 226 Ala. 18, 145 So. 481 (1933).

Respectfully submitted,
JAMES N. BLOODWORTH,
HUGH MADDOX,
JAMES H. FAULKNER,
RENEAU P. ALMON,
JANIE L. SHORES,
ERIC EMBRY,
SAM A. BEATTY,
Associate Justices.

Moreover, H. B. 94 specifically provides that the bonds "shall never be or constitute a debt of the State within the meaning of any constitutional provisions, and neither the full faith nor the credit of the State shall ever be pledged or utilized therefor." H. B. 94 further provides that the principal and interest on the bonds "shall be payable solely out of the special processing charge authorized by this act." This clearly appears to be a capitalization of funds derived from the operation of the state docks facility. This court has said "that a state agency may thus capitalize on funds thus derived without creating a debt." Opinion of the Justices, 247 Ala. 663, 26 So.2d 103 (1946). Thus justices cite, as authority for that proposition, a long line of authorities from 220 Ala. to 239 Ala. In that opinion, the Court was confronted with the same question with which we are confronted here, namely, a question propounded by the governor as to whether revenue securities, bonds, notes or certificates, issued by the state docks and terminals of Alabama (predecessor of the present state docks system) constitute debts created against or incurred by the State of Alabama, or its authority, within the meaning of § 213 of the Constitution of Alabama of 1901. The justices concluded that the issuance of such revenue securities would not contravene § 213. See also Opinion of the Justices, 254 Ala. 506, 49 So.2d 175 (1950); *Lang v. City of Mobile*, 239 Ala. 331, 195 So. 248 (1940). This proposition has been cited with approval as recently as *Rogers v. City of Mobile*, 277 Ala. 261, 169 So.2d 282 (1964). In *Rogers* the obligation of the Alabama State Docks Department under a lease was held not to constitute a debt of the state within the meaning of § 213.

Respectfully submitted,

JAMES N. BLOODWORTH,

SAM A. BEATTY,

SUPREME COURT OPINION RENDERED

The foregoing Communication from the Supreme Court of Alabama was read and ordered spread upon the Journal of the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Starkey and Killian:

H. J. R. 519. MOURNING THE DEATH OF POLICE CAPTAIN A. CARLOS WELLS.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 519, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

UNFINISHED BUSINESS

BILLS ON THIRD READING RESUMED

The Senate proceeded to the second item of Unfinished Business for today, which was the Bill:

S. 550. To amend Sections 130, 1230, 3202, 3203, 3204, 3207, 3208, 3210, 3250, 3280, 4045, 4550, 4601, 4608, 4705, 5511, 5530, and 9901 of Act No. 607, S. 33, Regular Session 1977 (Acts of Alabama 1977, p. 812), entitled, "An Act To provide an entirely new criminal code for the State of Alabama; defining offenses, fixing punishment; repealing numerous specific code sections and statutes that conflict herewith as well as all other laws that conflict with this act."

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, S. B. 550, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 130, 1230, 3202, 3203, 3204, 3207, 3208, 3210, 3250, 3280, 4045, 4601, 4608, 4705, 5511, 5530, and 9901 of Act No. 607, S. 33, Regular Session 1977 (Acts of Alabama 1977, p. 812), entitled, "An Act To provide an entirely new criminal code for the State of Alabama; defining offenses, fixing punishment; repealing numerous specific code sections and statutes that conflict herewith as well as all other laws that conflict with this act."

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 130, 1230, 3202, 3203, 3204, 3207, 3208, 3210, 3250, 3280, 4045, 4601, 4608, 4705, 5511, 5530, and 9901 of Act No. 607, S. 33, Regular Session 1977 (Acts of Alabama 1977, p. 812), the Alabama Criminal Code, are hereby amended to read as follows:

"Sec. 130. Definitions of Terms of General Use.

Unless different meanings are expressly specified in subsequent provisions of this act, the following terms have the following meanings:

"(1) "Offense" means conduct for which a sentence to a term of imprisonment, or the death penalty, or to a fine is provided by any law of this state or by any law, local law or ordinance of a political subdivision of this state.

"(2) "Violation" means an offense for which a sentence to a term of imprisonment not in excess of 30 days may be imposed.

"(3) "Misdemeanor" means an offense for which a sentence to a term of imprisonment not in excess of one year may be imposed.

"(4) "Felony" means an offense for which a sentence to a term of imprisonment in excess of one year is authorized by this act.

"(5) "Crime" means a misdemeanor or a felony.

"(6) "Person" means a human being, and where appropriate, a public or private corporation, an unincorporated association, a partnership, a government or a governmental instrumentality.

"(7) "Possess" means to have physical possession or otherwise to exercise dominion or control over tangible property.

"(8) "Physical injury" means impairment of physical condition or substantial pain.

"(9) "Serious physical injury" means physical injury which creates a substantial risk of death, or which causes serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ.

"(10) "Deadly physical force" means physical force which, under the circumstances in which it is used, is readily capable of causing death or serious physical injury.

"(11) "Deadly weapon" means a firearm or anything manifestly designed, made, or adapted for the purposes of inflicting death or serious physical injury, and includes, but is not limited to, a pistol, rifle, or shotgun; or a switch-blade knife, gravity knife, stiletto, sword, or dagger; or any billy, blackjack, bludgeon or metal knuckles.

"(12) "Dangerous instrument" means any instrument, articles, or substance which, under the circumstances in which it is used, attempted to be used, or threatened to be used, is highly capable of causing death or serious physical injury, and includes a "vehicle" as that term is defined in subparagraph (13).

"(13) "Vehicle" means any "propelled vehicle" as defined in § 3280(9) of this act and includes any propelled device by which any person or property is transported on land, water, or in the air, and includes motor vehicles, motorcycles, motorboats, and aircraft, and any vessel whether propelled by machinery or not.

"(14) "Burden of injecting the issue" means that the defendant must offer some competent evidence relating to all matters subject to the burden, except that the defendant may rely upon evidence presented by the prosecution in meeting the burden.

"Sec. 1230. Sentences of Imprisonment for Misdemeanors and Violations.

"(1) Sentences for misdemeanors shall be a definite term of imprisonment in the county jail or to hard labor for the county, within the following limitations:

"(a) For a Class A misdemeanor, not more than 1 year.

"(b) For a Class B misdemeanor, not more than 6 months.

"(c) For a Class C misdemeanor, not more than 3 months.

"(2) Sentences for violations shall be for a definite term of imprisonment in the county jail, not to exceed 30 days.

"Sec. 3202. Theft of Property in the First Degree.

"(1) The theft of property which exceeds \$1,000 in value, or property of any value taken from the person of another, constitutes theft of property in the first degree.

"(2) The theft of a propelled vehicle, regardless of its value, constitutes theft of property in the first degree.

"(2) (3) Theft of property in the first degree is a Class B felony.

"Sec. 3203. Theft of Property in the Second Degree.

"(1) The theft of property which exceeds \$250 \$100 in value but does not exceed \$1,000 in value, and which is not taken from the person of another, constitutes theft of property in the second degree.

"(2) Theft of property in the second degree is a Class C felony.

"(3) The theft of a credit card or a debit card, regardless of its value, constitutes theft of property in the second degree.

"(4) The theft of a firearm, rifle or shotgun, regardless of its value, constitutes theft of property in the second degree.

"(5) The theft of property which exceeds \$25 in value, and which is taken from or in a building where said property is sold or stored, constitutes theft of property in the second degree.

"Sec. 3204. Theft of Property in the Third Degree.

"(1) The theft of property which does not exceed \$250 \$100 in value and which is not taken from the person of another or the theft of property which does not exceed \$25 in value if taken from or in a building where said property is sold or stored constitutes theft of property in the third degree.

"(2) Theft of property in the third degree is a Class A misdemeanor.

"Sec. 3207. Theft of Lost Property in the Second Degree.

"(1) The theft of lost property which exceeds \$250 \$100 in value but does not exceed \$1,000 in value constitutes theft of lost property in the second degree.

"(2) Theft of lost property in the second degree is a Class C felony.

"Sec. 3208. Theft of Lost Property in the Third Degree.

"(1) The theft of lost property which does not exceed \$250 \$100 in value constitutes theft of lost property in the third degree.

"(2) Theft of lost property in the third degree is a Class A misdemeanor.

"Sec. 3210. Theft of Services: Definition.

"(A) Definition.

"(1) A person commits the crime of theft of services if:

"(a) He intentionally obtains services known by him to be available only for compensation by deception, threat, false token or other means to avoid payment for the services; or

"(b) Having control over the disposition of services of others to which he is not entitled, he knowingly diverts those services to his own benefit or to the benefit of another not entitled thereto.

"(2) "Services" includes but is not necessarily limited to labor, professional services, transportation, telephone or other public services, accommodation in motels, hotels, restaurants or elsewhere, admission to exhibitions, computer services, and the supplying of equipment for use.

"(3) Where compensation for services is ordinarily paid immediately

upon the rendering of them, as in the case of motels, hotels, restaurants and the like, absconding without payment or bona fide offer to pay is prima facie evidence under section (1) that the services were obtained by deception.

"(4) If services are obtained under subparagraph (1) (a) from a hotel, motel, inn, restaurant or cafe, no prosecution can be maintained after 120 days from the time of the offense.

"(5) Theft of services is a Class A misdemeanor.

"(B) Theft of Services in the First Degree.

"(1) The theft of services which exceeds \$1,000 in value constitutes theft of services in the first degree.

"(2) Theft of services in the first degree is a Class B felony.

"(C) Theft of Services in the Second Degree.

"(1) The theft of services which exceeds \$100 in value but does not exceed \$1,000 in value constitutes theft of services in the second degree.

"(2) Theft of services in the second degree is a Class C felony.

"(D) Theft of Services in the Third Degree.

"(1) The theft of services which does not exceed \$100 in value constitutes theft of services in the third degree.

"(2) Theft of services in the third degree is a Class A misdemeanor.

"Sec. 3250. Obscuring Identity of Vehicle

"(1) A person commits the crime of obscuring identity of a vehicle if:

"(a) He obscures the manufacturer's serial number or any other distinguishing identification number or mark upon any vehicle or component part thereof, except tires, with intent to render it unidentifiable; or

"(b) He possesses a vehicle or component part thereof knowing that the manufacturer's serial number or other identification number or mark has been obscured unless he legally acquired ownership of the vehicle or part before the manufacturer's serial number was obscured or before he knew it was obscured.

"(2) "Obscure" means to remove, deface, cover, alter, destroy, or otherwise render unidentifiable.

"(3) "Vehicle" means any propelled device in, upon, or by which any person or property is transported on land, water, or in the air, including stationary rails or tracks, and includes motor vehicles, motorboats, vessels, and aircraft.

"(4) Proof that a person has obscured the manufacturer's serial number or other distinguishing identification number or mark on a vehicle is prima facie evidence that he did so with the intent to render it unidentifiable within the meaning of subparagraph (1) (a).

"(5) Possession of a vehicle held for sale in the course of business on which the serial number or other identification number or mark has been obscured is prima facie evidence of knowledge of that fact.

"(6) A report by the defendant to the police or other appropriate gov-

ernment agency before arrest is a defense to a charge of violating subparagraph (1) (b). The burden of injecting this issue is on the defendant, but this does not shift the burden of proof.

"(7) Obscuring identity of a vehicle is a Class A misdemeanor. C felony.

"Sec. 3280. Definitions for Chapter 32.

"The following definitions are applicable in this chapter unless the context otherwise requires:

"(1) "Deception" occurs when a person knowingly:

"(a) Creates or confirms another's impression which is false and which the defendant does not believe to be true; or

"(b) Fails to correct a false impression which the defendant previously had created or confirmed; or

"(c) Fails to correct a false impression when the defendant is under a duty to do so; or

"(d) Prevents another from acquiring information pertinent to the disposition of the property involved; or

"(e) Sells or otherwise transfers or encumbers property, failing to disclose a lien, adverse claim, or other legal impediment to the enjoyment of the property when the defendant is under a duty to do so, whether that impediment is or is not valid, or is not a matter of official record; or

"(f) Promises performance which the defendant does not intend to perform or knows will not be performed. Failure to perform standing alone, however, is not proof that the defendant did not intend to perform.

"The term "deception" does not however, include falsity as to matters having no pecuniary significance, or puffing by statements unlikely to deceive ordinary persons. "Puffing" means an exaggerated commendation of wares or services.

"(2) To "deprive . . ." means:

"(a) To withhold property or cause it to be withheld from a person permanently or for such period or under circumstances that all or a portion of its use or benefit would be lost to him; or

"(b) To dispose of the property so as to make it unlikely that the owner would recover it; or

"(c) To retain the property with intent to restore it to the owner only if the owner purchases or leases it back, or pays a reward or other compensation for its return; or

"(d) To sell, give, pledge, or otherwise transfer any interest in the property;

"(e) To subject the property to the claim of a person other than the owner.

"(3) "Financial institution" means a bank, insurance company, credit union, safety deposit company, savings and loan association, investment trust, or other organization held out to the public as a place of deposit of funds or medium of savings or collective investment.

"(4) "Firearm" means a weapon from which a shot is discharged by gunpowder.

"(5) "Government" means the United States, any state or any county, municipality or other political unit within territory belonging to the United States, or any department, agency, or subdivision of any of the foregoing, or any corporation or other association carrying out the functions of government, or any corporation or agency formed pursuant to interstate compact or international treaty.

"As used in this definition "State" includes any state, territory, or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

"(6) "Obtains" means:

"(a) In relation to property, to bring about a transfer or purported transfer of a legally recognized interest in the property, whether to the obtainer or another; or

"(b) In relation to labor or service, to secure performance thereof.

"(7) "Obtains or exerts control" or "obtains or exerts unauthorized control" over property includes but is not necessarily limited to the taking, carrying away, or the sale, conveyance, or transfer of title to, or interest in, or possession of property, and includes but is not necessarily limited to conduct heretofore defined or known as common-law larceny by trespassory taking, common-law larceny by trick, larceny by conversion, embezzlement, extortion, or obtaining property by false pretenses.

"(8) "Owner" means a person, other than the defendant, who has possession of or any interest in the property involved, even though that interest or possession is unlawful, and without whose consent the defendant has no authority to exert control over the property.

"A secured party as defined in § 9-105(i) of the Uniform Commercial Code is not an owner in relation to a defendant who is a debtor, as defined in § 9-105(d) of the Uniform Commercial Code, in respect of property in which the secured party has a security interest, as defined in § 1-201(37) of the Uniform Commercial Code.

"(9) "Propelled vehicle" means any propelled device in, upon, or by which any person or property is transported by land, water, or in the air, and includes motor vehicles, motorcycles, motorboats, aircrafts, and any vessel propelled by machinery whether or not that machinery is the principal source of propulsion.

"(10) "Property" means any money, tangible or intangible personal property, property (whether real or personal) the location of which can be changed (including things growing on, affixed to, or found in land and documents although the rights represented hereby have no physical location), contract right, chose-in-action, interest in or claim to wealth, credit, or any other article or thing of value of any kind.

"Commodities of a public utility nature such as gas, electricity, steam and water constitute property, but the supplying of such a commodity to premises from an outside source by means of wires, pipes, conduits or other equipment shall be deemed a rendition of a service rather than a sale or delivery of property. (See §3210(2) Theft of Services.)

"(11) "Receiving" includes but is not limited to acquiring possession, control, or title and taking a security interest in the property.

"(12) "Stolen" means obtained by theft, theft by appropriating lost property, robbery, or extortion.

"(13) "Threat" means a menace, however communicated to:

"(a) Cause physical harm in the future to the person threatened to or any other person; or

"(b) Cause damage to property; or

"(c) Subject the person threatened or any other person to physical confinement or restraint; or

"(d) Engage in other conduct constituting a crime; or

"(e) Accuse any person of a crime or cause criminal charges to be instituted against any person; or

"(f) Expose a secret or publicize an asserted fact, whether true or false, tending to subject any person to hatred, contempt or ridicule; or

"(g) Reveal any information sought to be concealed by the person threatened; or

"(h) Testify or provide information or withhold testimony or information with respect to another's legal claim or defense; or

"(i) Take action as an official against anyone or anything; or withhold official action, or cause such action or withholding; or

"(j) Bring about or continue a strike, boycott, or other similar collective action to obtain property which is not demanded or received for the benefit of the group which the actor purports to represent; or

"(k) Do any other act which would not in itself substantially benefit the actor but which is calculated to harm substantially another person with respect to his health, safety, business, calling, career, financial condition, reputation, or personal relationships.

"(14) "Value" means the market value of the property at the time and place of the criminal act.

"Whether or not they have been issued or delivered, certain written instruments, not including those having a readily ascertainable market value such as some public and corporate bonds and securities shall be evaluated as follows:

"(a) The value of an instrument constituting an evidence of debt, such as a check, draft or promissory note, shall be deemed the amount due or collectible thereon or thereby, that figure ordinarily being the face amount of the indebtedness less any portion thereof which has been satisfied.

"(b) The value of any other instrument that creates, releases, discharges, or otherwise affects any valuable legal right, privilege, or obligation shall be deemed the greatest amount of economic loss which the owner of the instrument might reasonably suffer by virtue of the loss of the instrument.

"When the value of property cannot be ascertained pursuant to the

standards set forth above, its value shall be deemed to be an amount not exceeding \$250 \$100.

"Amounts involved in thefts committed pursuant to one scheme or course of conduct, whether from the same person or several persons, may be aggregated in determining the grade of the offense, provided, however, that only one conviction may be had and only one sentence enforced for all thefts included in such aggregate.

"Sec. 4045. Fraudulent Use of Credit Card or Debit Card.

"(1) A person commits the crime of fraudulent use of a credit card or debit card if he uses a credit card or debit card for the purpose of obtaining, money, property or services with knowledge that:

"(a) The card is stolen; or

"(b) The card has been revoked or cancelled; or

"(c) For any other reason his use of the card is unauthorized by either the issuer, or the person to whom the credit card or debit card is issued. The mere use by the original issuee of a credit card or debit card which has expired is not within the provisions of § 4045(1)(c).

"(2) "Credit Card" means any instrument, writing or other evidence, whether known as a credit card, credit plate, charge plate, or by any other name, which purports to evidence an undertaking to pay for property or services delivered or rendered to or upon the order of a designated person or bearer.

"(3) "Debit Card" means any instrument or device known by any name issued with or without fee by an issuer for the use of the cardholder in obtaining money, goods, services and anything else of value, payment of which is made against funds previously deposited by cardholder.

"(3) (4) Fraudulent use of a credit card or debit card is a Class A misdemeanor.

Sec. 4601. Definition of Terms.

"(1) The definitions contained in § 4501 are applicable in this chapter unless the context requires otherwise.

"(2) "Custody" means a restraint or detention by a public servant pursuant to a lawful arrest, conviction, or order of court, but does not include mere supervision of probation or parole, or constraint incidental to release on bail.

"(3) "Detention facility" means any place used for the confinement, pursuant to law, of a person:

"(a) Charged with or convicted of a criminal offense; or

"(b) Charged with being or adjudicated a youthful offender, or a neglected minor or juvenile delinquent; or

"(c) Held for extradition; or

"(d) Otherwise confined pursuant to an order of court.

"(4) "Penal facility" means any maximum or medium security correc-

tional institution for the confinement of persons arrested for, charged with, or convicted of a criminal offense, including but not limited to the following maximum or medium security facilities; the state penitentiary and any branch thereof; any county or city jail; the Alabama Boys Industrial School; and the State Training School for Girls.

"(5) "Contraband" means any article or thing which a person confined in a detention facility is legally prohibited from obtaining or possession by statute, rule, regulation or order.

"Sec. 4608. Escape in the Third Degree.

"(1) A person commits the offense of escape in the third degree if he escapes or attempts to escape from custody.

"(2) Escape in the third degree is a Class A misdemeanor C felony.

"Sec. 4705. Bribery.

"(1) A person commits the crime of bribery if:

"(a) He offers, confers or agrees to confer any pecuniary benefit thing of value upon a public servant with the intent that the public servant's vote, opinion, judgment, exercise of discretion or other action in his official capacity will thereby be corruptly influenced; or

"(b) While a public servant, he solicits, accepts or agrees to accept any pecuniary benefit upon an agreement or understanding that his vote, opinion, judgment, exercise of discretion or other action as a public servant will thereby be corruptly influenced.

"(2) It is not a defense to a prosecution under this section that the person sought to be influenced was not qualified to act in the desired way, whether because he had not yet assumed office, lacked jurisdiction, or for any other reason.

"(3) Bribery is a Class C felony.

"Sec. 5511. Inciting a Riot.

"(1) A person commits the crime of inciting to riot if he commands, solicits, incites or urges another person to engage in tumultuous and violent conduct of a kind likely to cause or create a grave risk of public terror or alarm.

"(2) Inciting to riot is a Class B misdemeanor C felony.

"Sec. 5530. Harassment or Harassing Communication.

"(A)

"(1) A person commits the crime of harassment if, with intent to harass, annoy or alarm another person, he strikes, shoves, kicks or otherwise touches a person or subjects him to physical contact.

"(2) Harassment is a Class C misdemeanor.

"(B)

"(1) A person commits the crime of harassing communications if, with intent to harass or alarm another person, he:

"(A) Communicates with a person, anonymously or otherwise, by tele-

phone, telegraph, mail, or any other form of written or electronic communication, in a manner likely to harass or cause alarm; or

"(B) Makes a telephone call, whether or not a conversation ensues with no purpose of legitimate communication.

"(2) Harassing communications is a Class B misdemeanor.

Sec. 9901. Laws Repealed.

"Title 1, sections 5, 7 and 11, Alabama Code are hereby repealed.

"Title 2, sections 11, 188, 315(2) [Act No. 134, § 2, H. 210, 1947, Regular Session, (Acts of 1947, p. 43)], 401(66) [Act No. 1049, § 14, S. 8, 1969, Regular Session (Acts of 1969, p. 1951)], 471(6) [Act No. 481, § 7, S. 236, 1945, Regular Session (Acts of 1945, p. 719)], 603, and 632, Alabama Code are hereby repealed.

"Title 3, sections 8, 11, 12, 55(8) [Act No. 258, § 5, H. 236, 1959, Regular Session (Acts of 1959, p. 823)], [Act No. 132, S. 132, 1975, Regular Session (Acts of 1975)], Alabama Code are hereby repealed.

"Title 4, section 20(30)(6) [Act No. 402, § 7, S. 217, 1945, Regular Session (Acts of 1945, p. 639)], Alabama Code is hereby repealed.

"Title 5, sections 34, 38, 39, 40, 139, 144 and 145, Alabama Code are hereby repealed.

"Title 8, sections 44(2) [Act No. 357, § 2, S. 156, 1951, Regular Session (Acts of 1951, p. 644)], 80, 212, 213, 214, 215, 217, 231(11) [Act No. 169, § 10, H. 27, 1945, Regular Session (Acts of 1945, p. 289)], 231(13) [Act No. 169, § 12, H. 27, 1945, Regular Session (Acts of 1945, p. 289)], Alabama Code is hereby repealed.

"Title 11, section 40, Alabama Code is hereby repealed.

"Title 12, section 42, Alabama Code is hereby repealed.

"Title 13, sections 125(69) [Act No. 115, § 9, H. 332, 1953, Regular Session (Acts of 1953, p. 164) as amended], 224, 236, 281, 289, 502 [Act No. 535, § 6, H. 724, 1953, Regular Session (Acts of 1953, p. 750)], Alabama Code is hereby repealed.

"Title 14, sections 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 22(1) [Act No. 640, § 1, H. 339, 1947, Regular Session (Acts of 1947, p. 494)], 22(2) [Act No. 640, § 2, H. 339, 1947, Regular Session (Acts of 1947, p. 494)], 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 41(1) [Act No. 2422, H. 110, 1971, Regular Session (Acts of 1971), p. 3855)], 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 55, 56, 57, 63 (as amended), 64 (as amended), 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 79(1) [Act No. 253, § 1, H. 264, 1947, Regular Session (Acts of 1947, p. 107)], 79(2) [Act No. 253, § 2, H. 264, 1947, Regular Session (Acts of 1947, p. 107)], 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 97(1) [Act No. 907, § 1, H. 774, 1951 Regular Session (Acts of 1951, p. 1546)], 97(2) [Act No. 907, § 2, H. 774, 1951, Regular Session (Acts of 1951, p. 1546)], 97(3) [Act No. 907, § 3, H. 774, 1951, Regular Session (Acts of 1951, p. 1546)], 97(4) [Act No. 907, § 4, H. 774, 1951, Regular Session (Acts of 1951, p. 1546)], 97(5) [Act No. 907, § 5, H. 774, 1951, Regular Session (Acts of 1951, p. 1547)], 97(6) [Act No. 907, § 6, H. 774, Regular Session (Acts of 1951, p. 1548)], 97(7) [Act No. 907, § 7, H. 774, 1951, Regular Session (Acts of 1951, p. 1548)], 97(8) [Act No. 907, § 8, H. 774, 1951,

Regular Session, (Acts of 1951, p. 1548)], , 98, 99, 100, 101, 103, 104, 105, 105(1) [Act No. 1116, § 1, S. 205, 1969, Regular Session (Acts of 1969, p. 2055)], 105(2), [Act No. 1116, § 2, S. 205, 1969, Regular Session (Acts of 1969, p. 2055)], , 105(3), [Act No. 1116, § 3, S. 205, 1969, Regular Session (Acts of 1969, p. 2055)], 105(4), [Act No. 1116, § 4, S. 205, 1969, Regular Session (Acts of 1969, p. 2057)], 105(5), [Act No. 1116, § 5, H. 205, 1969, Regular Session (Acts of 1969, p. 2058)], 105(6), [Act No. 1116, § 6, H. 205, 1969, Regular Session (Acts of 1969, p. 2058)], 105(7), [Act No. 1116, § 7, S. 205, 1969, Regular Session (Acts of 1969, p. 2058)], 105(8), [Act No. 1116, § 8, S. 205, 1969, Regular Session (Acts of 1969, p. 2059)], 105(9), [Act No. 1116, § 9, S. 205, 1969, Regular Session (Acts of 1969, p. 2059)], 105(10), [Act No. 1116, § 10, S. 205, 1969, Regular Session (Acts of 1969, p. 2059)], 105(11), [Act No. 1116, § 11, S. 205, 1969, Regular Session (Acts of 1969, p. 2059)], 106, 107, 108, 109, 110, 111, 112, 113, 115(1) [Act No. 38, H. 101, 1951, Regular Session (Acts of 1951, p. 247)], 116, 117, 118, 119, 119(1) [Act No. 87, S. 107, 1959, Regular Session (Acts of 1959, p. 508)], 119(2) [Act No. 574, H. 3, 1967, Regular Session (Acts of 1967, p. 1328)], 120, 120(1) [Act No. 330, H. 585, 1945, Regular Session (Acts of 1945, p. 544)], 121, 122, 123, 124, 125, 125(5) [Act No. 391, § 1, S. 33, 1955, Regular Session (Acts of 1955, p. 926)], 125(6) [Act No. 391, § 2, S. 33, 1955, Regular Session (Acts of 1955), p. 926) (as amended)], 125(7) [Act No. 391, § 3, S. 33, 1955, Regular Session (Acts of 1955, p. 926) (as amended)], 125(8) [Act No. 391, § 4, S. 33, 1955, Regular Session (Acts of 1955, p. 926)], 125(14) [Act No. 391, § 9, S. 33, 1955, Regular Session (Acts of 1955, p. 926)], , 125(15) [Act No. 391, § 10, S. 33, 1955, Regular Session (Acts of 1955, p. 926) (as amended)], 126 as amended, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 151(1) [Act No. 86 § 1, S. 106, 1959, Regular Session (Acts of 1959, p. 508)], 152, 153 (as amended), 154, 155, 156, 157, 158, 159, 160, 167, 171, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 207 (as amended), 208, 209, 210, 211, 212, 213, 214, 215, 216, 217 (as amended), 217(1) [Act No. 57, § 1, H. 192, 1961, Regular Session (Acts of 1961, p. 1922)], 217(2) [Act No. 57, § 2, H. 192, 1961, Regular Session (Acts of 1961, p. 1922)], 217(3) [Act No. 57, § 3, H. 192, 1961, Regular Session (Acts of 1961, p. 1922)], 217(4) [Act No. 57, § 4, H. 192, 1961, Regular Session (Acts of 1961, p. 1922)], 217(5) [Act No. 57, § 5, H. 192, 1961, Regular Session (Acts of 1961, p. 1923)], 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 234(1) [Act No. 256, S. 244, 1949, Regular Session (Acts of 1949, p. 378)], 234(9) [Act No. 2479, § 1, H. 2083, 1971, Regular Session (Acts of 1971, p. 3959)], 234(10) [Act No. 2479, § 2, H. 2083, 1971, Regular Session (Acts of 1971, p. 3959)], 234(11) [Act No. 2479, § 3, H. 2083, 1971, Regular Session (Acts of 1971, p. 3959)], 234(12) [Act No. 2479, § 4, H. 2083, 1971, Regular Session (Acts of 1971, p. 3959)], 234(13) [Act No. 2479, § 5, H. 2083, 1971, Regular Session (Acts of 1971, p. 3959)], 234(14) [Act No. 2479, § 6, H. 2083, 1971, Regular Session (Acts of 1971, p. 3959)], 234(15) [Act No. 2479, § 7, H. 2083, 1971, Regular Session (Acts of 1971, p. 3960)], 234(16) [Act No. 2479, § 8], H. 2083, 1971, Regular Session (Acts of 1971, p. 3960), 234(17) [Act No. 2479, § 9, H. 2083, 1971, Regular Session (Acts of 1971, p. 3960), 234(18) [Act No. 2479, § 10, H. 2083, 1971, Regular Session (Acts of 1971, p. 3960)], 234(19) [Act No. 2479, § 11, H. 2083, 1971, Regular Session (Acts of 1971, p. 3961)], 234(20) [Act No. 2479, § 12, H. 2083, 1971, Regular Session (Acts of 1971, p. 3961)], 234(21) [Act No. 2479, § 13, H. 2083, 1971, Regular Session (Acts of 1971, p. 3962)], 235, 236, 246 (as amended), 254, 256, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288 (as amended), 289, 291, 293, 302(1) [Act No. 799, S. 291, 1951, Regular Session (Acts of 1951, p. 1398)], 303, 304, 305, 306, 307, 308, 310,

311, 312, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 325, 326(1) [Act No. 594, S. 400, 1949, Regular Session (Acts of 1949, p. 926)], 326(al) [Act No. 232, § 1, H. 402, 1967, Regular Session (Acts of 1967, p. 606)], 326(a2) [Act No. 232, § 2, H. 402, 1967, Regular Session (Acts of 1967, p. 606)], 326(a3) [Act No. 232, § 3, H. 402, 1967, Regular Session (Acts of 1967, p. 607)], 326(a4) [Act No. 232, § 4, H. 402, 1967, Regular Session (Acts of 1967, p. 607)], 326(a5) [Act No. 233, § 1, H. 403, 1967, Regular Session (Acts of 1967, p. 607)], 326(a6) [Act No. 233, § 2, H. 403, 1967, Regular Session (Acts of 1967, p. 608)], 326(a7) [Act No. 233, § 3, H. 403, 1967, Regular Session (Acts of 1967, p. 609)], 326(a8) [Act No. 233, § 4, H. 403, 1967, Regular Session (Acts of 1967, p. 609)], 326(2) [Act No. 397, S. 279, 1955, Regular Session (Acts of 1955, p. 932)], 331 (as amended), 332, 333, 333(1) [Act No. 258, H. 106, 1967, Regular Session (Acts of 1967, p. 736)], 334, 335, 336, 338, 339, 340, 341, 342, 343, 343(1) [Act No. 1099, S. 49, 1969, Regular Session (Acts of 1969, p. 2035)], 344, 345, 346, 346(1) [Act No. 68, H. 73, 1953, Regular Session (Acts of 1953, Regular Session (Acts of 1953, p. 99), (as amended)], 346(2) [Act No. 238, S. 128, 1961, Ex. Sess., (Acts of 1961, p. 2251)], 346(3) [Act No. 663, S. 35, 1965, Regular Session (Acts of 1965, p. 1197)], 346(4) [Act No. 1083, S. 861, 1969, Regular Session (Acts of 1969, p. 2019)], 352, 353, 354, 355, 356, 358(1) [Act No. 139, S. 155, 1949, Regular Session (Acts of 1949, p. 165)], 359, 360, 361, 362, 362(1) [Act No. 886, H. 408, 1953, Regular Session (Acts of 1953, p. 1192)], 363, 364, 365, 366, 367, 368, 369, 370, 371, 371(1) [Act No. 149, H. 180, 1956, 1st Ex. Sess (Acts of 1956, p. 214)], 372, 373, 374, 374(1) [Act No. 856, § 1, S. 242, 1961, Regular Session (Acts of 1961, p. 1310)], 374(2) [Act No. 856, § 2, S. 242, 1961, Regular Session (Acts of 1961, p. 1310)], 374(3) [Act No. 856, § 3, S. 242, 1961, Regular Session (Acts of 1961, p. 1310)], 374(4) [Act No. 856, § 4, S. 242, 1961, Regular Session (Acts of 1961, p. 1311)], 374(5) [Act No. 856, § 5, S. 242, 1961, Regular Session (Acts of 1961, p. 1311)], 374(6) [Act No. 856, § 6, S. 242, 1961, Regular Session (Acts of 1961, p. 1312)], 374(7) [Act No. 856, § 7, S. 242, 1961, Regular Session (Acts of 1961, p. 1312)], 374(8) [Act No. 856, § 8, S. 242, 1961, Regular Session (Acts of 1961, p. 1313)], 374(9) [Act No. 856, § 9, S. 242, 1961, Regular Session (Acts of 1961, p. 1313)], 374(10) [Act No. 856, § 10, S. 242, 1961, Regular Session (Acts of 1961, p. 1313)], 374(11) [Act No. 856, § 11, S. 242, 1961, Regular Session (Acts of 1961, p. 1314)], 374(12) [Act No. 856, § 12, S. 242, 1961, Regular Session (Acts of 1961, p. 1314)], 374(13) [Act No. 856, § 13, S. 242, 1961, Regular Session (Acts of 1961, p. 1314)], 374(14) [Act No. 856, § 14, S. 242, 1961, Regular Session (Acts of 1961, p. 1315)], 374(15) [Act No. 856, § 15, S. 242, 1961, Regular Session (Acts of 1961, p. 131)], 374(16) [Act No. 856, § 16, S. 242, 1961, Regular Session (Acts of 1961, p. 1315)], 374(16a) [Act No. 408, § 1, H. 111, 1969, Regular Session (Acts of 1969, p. 801)], 374(16b) [Act No. 408, § 2, H. 111, 1969, Regular Session (Acts of 1969, p. 802)], 374(16c) [Act No. 408, § 3, H. 111, 1969, Regular Session (Acts of 1969, p. 803)], 374(16d) [Act No. 408, § 4, H. 111, 1969, Regular Session (Acts of 1969, p. 803)], 374(16e) [Act No. 408, § 5, H. 111, 1969, Regular Session (Acts of 1969, p. 803)], 374(16f) [Act No. 408, § 6, H. 111, 1969, Regular Session (Acts of 1969, p. 804)], 374(16g) [Act No. 408, § 7, H. 111, 1969, Regular Session (Acts of 1969, p. 804)], 374(16h) [Act No. 408, § 8, H. 111, 1969, Regular Session (Acts of 1969, p. 804)], 374(16i) [Act No. 408, § 10, H. 111, 1969, Regular Session (Acts of 1969, p. 805)], 374(16j) [Act No. 698, § 1, S. 45, 1969, Regular Session (Acts of 1969, p. 1253)], 374(16k) [Act No. 698, § 2, S. 45, 1969, Regular Session (Acts of 1969, p. 1254)], 374(16l) [Act No. 698, § 3, S. 45, 1969, Regular Session (Acts of 1969, p. 1254)], 374(16m) [Act No. 698, § 4, S. 45, 1969, Regular Session (Acts of 1969, p. 1254)], 374(16n) [Act No. 698, § 5, S. 45, 1969, Regular Session (Acts of 1969, p. 1255)], 374(16o) [Act No. 698, § 6, S. 45, 1969, Regular Session (Acts of 1969, p. 1255)], 374(17) [Act No. 274, H. 167,

1965, 1st Ex. Sess. (Acts of 1965, p. 382)], 374(18) [Act No. 746, § 1, S. 509, 1967, Regular Session (Acts of 1967, p. 1600)], 374(19) [Act No. 746, § 2, S. 509, 1967, Regular Session (Acts of 1967, p. 1600)], 374(20) [Act No. 746, § 3, S. 509, 1967, Regular Session (Acts of 1967, p. 1600)], 375, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 392, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 407(1), Act. No. 504, H. 745, 1961, Regular Session (Acts of 1961, 601)], 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 419(2) [Act No. 519 § 1, H. 469, 1953, Regular Session (Acts of 1953, p. 684)], 419(3) [Act No. 519, § 2, H. 469, 1953, Regular Session (Acts of 1953, p. 684)], 423, 424, 425, 426 (as amended), 426(1) [Act No. 60, H. 80, 1953, Regular Session (Acts of 1953, p. 88)], 427, 429, 430, 430(1) [Act No. 533, S. 116, 1963, Regular Session (Acts of 1963, p. 1146)], 431, 432 (as amended), 433, 436, 436(1) [Act No. 520, H. 260, 1943, Regular Session (Acts of 1943, p. 487)], 436(2) [Act No. 125, S. 49, 1951, Regular Session (Acts of 1951, p. 354)], 437, 438, 439, 440, 441, 442, 443, 444, Alabama Code is hereby repealed.

"Title 15, sections 11, 33, 156, 323, 326, 327, 328, 329, 330, 331, 332, 334, 335, 336, Alabama Code is hereby repealed.

"Title 17, sections 287, 288, 290, 291, 292, 307, 309, 310, 313, 323, 324, 329, 334, Alabama Code are hereby repealed.

"Title 22, sections 146, 168, 171, 172, 204(71 [Act No. 394, § 17, H. 204, 1957, Regular Session (Acts of 1957, p. 539)], Alabama Code are hereby repealed.

"Title 23, sections 96, 125, 126, 128, 129, 130, 131 (as amended) 131(1) [Act No. 55, § 1, H. 190, 1961, Ex. Session (Acts of 1961, p. 1920)], 135, 137, Alabama Code is hereby repealed.

"Title 24, sections 8 (as amended) and 18 (as amended) Alabama Code is hereby repealed.

"Title 25, section 36 Alabama Code is hereby repealed.

"Title 26, sections 70, 82, 166(72) [Act No. 207, § 71, S. 134, 1949, Regular Session (Acts of 1949, p. 280)], 179(43) [Act No. 1, § 20, H. 46, 1945, Regular Session (Acts of 1945, p. 14)], 314, 315, 316, 317, 318, 319, 322, 324 (as amended), 359, 372, 275, 384 [Act No. 298, § 9, S. 341, 1943, Regular Session (Acts of 1943, p. 256)], 385 [Act No. 298, § 10, S. 341, 1943, Regular Session (Acts of 1943, p. 256)], 386 [Act No. 298, § 11, S. 341, 1943, Regular Session (Acts of 1943, p. 256)], Alabama Code is hereby repealed.

"Title 28A, sections 229 [Act No. 608, § 4, H. 377, 1957, Regular Session (Acts of 1957, p. 866) (as amended)], 230 [Act No. 608, § 4, H. 377, 1957, Regular Session (Acts of 1957, p. 866) (as amended)], 231 [Act No. 407, § 231, H. 198, 1971, Regular Session (Acts of 1957, p. 830) (as amended)], Alabama Code are hereby repealed.

"Title 30, section 49, Alabama Code is hereby repealed.

"Title 34, sections 1 (as amended), 2, 13, and 90 Alabama Code are hereby repealed.

"Title 37, sections 34(65) [Act No. 663, § 46, S. 132, 1961, Regular Session (Acts of 1961, p. 862)], 34(118) [Act No. 663, § 47, S. 132, 1961, Regular Session (Acts of 1961, p. 903)], Alabama Code are hereby repealed.

"Title 38, sections 93, 94, 95, 96, 97(37) [Act No. 769, § 2, H. 749, 1969, Regular Session (Acts of 1969, p. 1368)], and 113, Alabama Code are hereby repealed.

"Title 41, sections 28, 143, 146, 203, 204, 205, 206, 207, 208, 209, 210, 211 (as amended), 212, 213, 214, 216, 218, 219, 221 (as amended), and 222 Alabama Code are hereby repealed.

"Title 45, sections 112, 113, 113(1) [Act No. 10, S. 125, 1949, Regular Session (Acts of 1949, p. 24)], 149, 188(5) [Act No. 307, § 5, H. 271, 1971, 3rd Ex. Session (Acts of 1971, p. 4596) (as amended)], Alabama Code are hereby repealed.

"Title 46, section 257(39) [Act No. 107, § 14, H. 151, 1959, Regular Session (Acts of 1959, p. 609)], Alabama Code is hereby repealed.

"Title 48, sections 198, 398, 401, 402, 403, 407, 409, 410, 411, 412, 413, 414, 415 (as amended), 417(3) [Act No. 587, S. 24, 1963, Regular Session (Acts of 1963, p. 1284)], 417(4) [Act No. 698, § 1, H. 28, 1965, Regular Session (Acts of 1965, p. 1298)], 417(5) [Act No. 698, § 2, H. 28, 1965, Regular Session (Acts of 1965, p. 1298)], 417(6) [Act No. 698, § 3, H. 28, 1965, Regular Session (Acts of 1965, p. 1298)], 419, 424, 438, 440, 454, 455, 456, 457, 458, 460, 461, 462, 465, 466, Alabama Code are hereby repealed.

"Title 49, section 17(21) [Act No. 702, § 20, H. 1097, 1951, Regular Session (Acts of 1951, p. 1223) (as amended)], Alabama Code is hereby repealed.

"Title 51, sections 394 [Act No. 75, H. 16, 1945, Regular Session (Acts of 1945, p. 72) (as amended)], 431(10) [Act No. 2, § 10, H. 47, 1945, Regular Session (Acts of 1945, p. 24)], 833, Alabama Code are hereby repealed.

"Title 52, sections 137, 584, 613(15) [Act No. 822, § 15, S. 107, 1947, Regular Session (Acts of 1947, p. 378)], 614, 618, 619, Alabama Code are hereby repealed.

"Title 53, sections 40 [Act No. 542, § 13, S. 282, 1959, Regular Session (Acts of 1959, p. 1342)], 52 [Act No. 542, § 26, S. 282, 1959, Regular Session (Acts of 1959, p. 1349)], Alabama Code are hereby repealed.

"Title 54 sections 6, 7, 8, 23, 27, Alabama Code are hereby repealed.

"Title 55, sections 48, 59, 289(7) [Act No. 293, § 2, S. 305, 1945, Regular Session (Acts of 1945, p. 486)], 289(9) [Act No. 293, § 4, S. 305, 1945, Regular Session (Acts of 1945, p. 487)], Alabama Code are hereby repealed.

"Title 57, sections 93, 109, 110, 111, 148 [Act No. 553, § 18, H. 914, 1965, Regular Session (Acts of 1965, p. 1034)], Alabama Code are hereby repealed.

"Title 60, sections 19 and 38 Alabama Code are hereby repealed.

"Wherever in the foregoing section reference is made to Alabama Code, the same shall be taken to mean the official Code of Alabama, 1940, as amended, except where, after adoption of the 1940 Code there has been a subsequent independent statute embraced in the current compilation of Michie Publishing Company known as the Code of Alabama, Recompiled, 1958, with its current cumulative supplement. The provisions of said Recompiled Code are identified by a particular Title and a Section not shown in the official Code, or a particular Title and a Section not shown in the official Code,

or a particular Title and a Section followed by an Arabic number enclosed in parentheses. The independent statutes thus referred to are repealed. Nothing in this act shall be construed as amending or repealing any provision of Act No. 2431, Regular Session 1971, amended by Act No. 97 Regular Session 1973, and further amended Act 1095 Regular Session 1975, nor shall anything in this act be construed as amending or repealing any provision of Act No. 376, H. 1040, Regular Session 1975.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

On motion of Mr. Clemon, said substitute was laid on the table.

Mr. Clemon then offered the following substitute for the Bill, S. B. 550, to-wit:

SUBSTITUTE FOR S. B. 550

Synopsis: This bill amends the Alabama Criminal Code as follows:

Section 130. To provide that the definition of offense shall include an offense for which the death penalty may be given.

Section 2611. To redefine second degree burglary to include burglary of an occupied dwelling-house, so that deadly force shall be authorized to repel the burglar.

Section 1230. To provide that the sentence for a misdemeanor may include hard labor.

Section 3202. To provide that theft of a propelled vehicle shall be theft of property in the first degree.

Sections 3203, 3204, 3207, 3208. To change the dollar amount of various theft offenses and add theft of a debit card to theft of property in the second degree.

Section 3210. To provide for various degrees of theft of services.

Section 3250. To provide that the offense of obscuring identity of vehicle shall be a Class C felony rather than a Class A misdemeanor.

Section 3280. To provide further for the definition of a threat.

Section 4045. To amend the fraudulent use of a credit card to include the offense of illegal possession and to extend the offense to cover a debit card.

Section 4115. To authorize the disclosure of a limitation of quantity in advertising so as to further define the public offense of bait advertising.

Section 4601. To provide for the definition of a penal facility.

Section 4608. To provide that escape in the third degree shall be a Class C felony rather than a Class A misdemeanor.

Section 4705. To further define the crime of bribery to include any thing of value.

Section 5511. To provide that the crime of inciting a riot shall be a Class A misdemeanor rather than a Class B misdemeanor.

Section 5530. To provide for the offense of harassing communication.

Section 9901. To provide that Title 51, Section 394 (Act No. 75, H. 16, 1945, Regular Session (as amended) relating to the individual income tax return shall not be repealed.

Section 9910. To extend to June 1, 1979, the date on which the act shall take effect.

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 130, 1230, 2611, 2612, 3202, 3203, 3204, 3207, 3208, 3210, 3250, 3280, 4045, 4115, 4601, 4608, 4705, 5511, 5530, and 9901 of Act No. 607, S. 33, Regular Session 1977 (Acts of Alabama 1977, p. 812), entitled, "An Act To provide an entirely new criminal code for the State of Alabama; defining offenses, fixing punishment; repealing numerous specific code sections and statutes that conflict herewith as well as all other laws that conflict with this act."

Be It Enacted by the Legislature of Alabama.

Section 1. Sections 130, 1230, 2611, 2612, 3202, 3203, 3204, 3207, 3208, 3210, 3250, 3280, 4045, 4115, 4601, 4608, 4705, 5511, 5530, and 9901 of Act No. 607, S. 33, Regular Session 1977 (Acts of Alabama 1977, p. 812), the Alabama Criminal Code, are hereby amended to read as follows:

"Sec. 130. Definitions of Terms of General Use.

Unless different meanings are expressly specified in subsequent provisions of this act, the following terms have the following meanings:

"(1) "Offense" means conduct for which a sentence to a term of imprisonment, or the death penalty, or to a fine is provided by any law of this state or by any law, local law or ordinance of a political subdivision of this state.

"(2) "Violation" means an offense for which a sentence to a term of imprisonment not in excess of 30 days may be imposed.

"(3) "Misdemeanor" means an offense for which a sentence to a term of imprisonment not in excess of one year may be imposed.

"(4) "Felony" means an offense for which a sentence to a term of imprisonment in excess of one year is authorized by this act.

"(5) "Crime" means a misdemeanor or a felony.

"(6) "Person" means a human being, and where appropriate, a public or private corporation, an unincorporated association, a partnership, a government or a governmental instrumentality.

"(7) "Possess" means to have physical possession or otherwise to exercise dominion or control over tangible property.

"(8) "Physical injury" means impairment of physical condition or substantial pain.

"(9) "Serious physical injury" means physical injury which creates a substantial risk of death, or which causes serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ.

"(10) "Deadly physical force" means physical force which, under the circumstances in which it is used, is readily capable of causing death or serious physical injury.

"(11) "Deadly weapon" means a firearm or anything manifestly designed, made, or adapted for the purposes of inflicting death or serious physical injury, and includes, but is not limited to, a pistol, rifle, or shotgun; or a switch-blade knife, gravity knife, stiletto, sword, or dagger, or any billy, blackjack, bludgeon or metal knuckles.

"(12) "Dangerous instrument" means any instrument, articles, or substance which, under the circumstances in which it is used, attempted to be used, or threatened to be used, is highly capable of causing death or serious physical injury, and includes a "vehicle" as that term is defined in subparagraph (13).

"Sec. 2611. Burglary in the Second Degree.

"(1) A person commits the crime of burglary in the second degree if he knowingly enters or remains unlawfully in a building with intent to commit theft or a felony therein, and, if in effecting entry, or while in the building or in immediate flight therefrom, he or another participant in the crime:

- (a) Is armed with explosives or a deadly weapon; or
- (b) Causes physical injury to any person who is not a participant in the crime; or
- (c) Causes or threatens immediate physical injury by use of a dangerous instrument.

(2) In the alternative to Subsection (1) hereof, a person commits the crime of burglary in the second degree if he unlawfully enters a lawfully occupied dwelling-house with intent to commit a theft or a felony therein.

(3) Burglary in the second degree is a Class B felony."

"(13) "Vehicle" means any "propelled vehicle" as defined in § 3280(9) of this act and includes any propelled device by which any person or property is transported on land, water, or in the air, and includes motor vehicles, motorcycles, motorboats, and aircraft, and any vessel whether propelled by machinery or not.

"(14) "Burden of injecting the issue" means that the defendant must offer some competent evidence relating to all matters subject to the burden, except that the defendant may rely upon evidence presented by the prosecution in meeting the burden.

"Sec. 1230. Sentences of Imprisonment for Misdemeanors and Violations.

"(1) Sentences for misdemeanors shall be a definite term of imprisonment in the county jail or to hard labor for the county, within the following limitations:

- "(a) For a Class A misdemeanor, not more than 1 year.
- "(b) For a Class B misdemeanor, not more than 6 months.
- "(c) For a Class C misdemeanor, not more than 3 months.

"(2) Sentences for violations shall be for a definite term of imprisonment in the county jail, not to exceed 30 days.

"Sec. 3202. Theft of Property in the First Degree.

"(1) The theft of property which exceeds \$1,000 in value, or property of any value taken from the person of another constitutes theft of property in the first degree.

"(2) The theft of a motor vehicle, regardless of its value, constitutes theft of property in the first degree.

"(3) Theft of property in the first degree is a Class B felony.

"Sec. 3203. Theft of Property in the Second Degree.

"(1) The theft of property which exceeds \$250 \$100 in value but does not exceed \$1,000 in value, and which is not taken from the person of another, constitutes theft of property in the second degree.

"(2) Theft of property in the second degree is a Class C felony.

"(3) The theft of a credit card or a debit card, regardless of its value, constitutes theft of property in the second degree.

"(4) The theft of a firearm, rifle or shotgun, regardless of its value, constitutes theft of property in the second degree.

"(5) The theft of property which exceeds \$25 in value, and which is taken from or in a building where said property is sold or stored, constitutes theft of property in the second degree.

"Sec. 3204. Theft of Property in the Third Degree.

"(1) The theft of property which does not exceed \$250 \$100 in value and which is not taken from the person of another or the theft of property which does not exceed \$25 in value if taken from or in a building where said property is sold or stored constitutes theft of property in the third degree.

"(2) Theft of property in the third degree is a Class A misdemeanor.

"Sec. 3207. Theft of Lost Property in the Second Degree.

"(1) The theft of lost property which exceeds \$250 \$100 in value but does not exceed \$1,000 in value constitutes theft of lost property in the second degree.

"(2) Theft of lost property in the second degree is a Class C felony.

"Sec. 3208. Theft of Lost Property in the Third Degree.

"(1) The theft of lost property which does not exceed \$250 \$100 in value constitutes theft of lost property in the third degree.

"(2) Theft of lost property in the third degree is a Class A misdemeanor.

"Sec. 3210. Theft of Services. Definition.

"(A) Definition.

"(1) A person commits the crime of theft of services if:

"(a) He intentionally obtains services known by him to be available only

for compensation by deception, threat, false token or other means to avoid payment for the services; or

"(b) Having control over the disposition of services of others to which he is not entitled, he knowingly diverts those services to his own benefit or to the benefit of another not entitled thereto.

"(2) "Services" includes but is not necessarily limited to labor, professional services, transportation, telephone or other public services, accommodation in motels, hotels, restaurants or elsewhere, admission to exhibitions, computer services, and the supplying of equipment for use.

"(3) Where compensation for services is ordinarily paid immediately upon the rendering of them, as in the case of motels, hotels, restaurants and the like, absconding without payment or bona fide offer to pay is prima facie evidence under section (1) that the services were obtained by deception.

"(4) If services are obtained under subparagraph (1)(a) from a hotel, motel, inn, restaurant or cafe, no prosecution can be maintained after 120 days from the time of the offense.

"(5) Theft of services is a Class A misdemeanor.

"(B) Theft of Services in the First Degree.

"(1) The theft of services which exceeds \$2,000 in value constitutes theft of services in the first degree.

"(2) Theft of services in the first degree is a Class B felony.

"(C) Theft of Services in the Second Degree.

"(1) The theft of services which exceeds \$100 in value but does not exceed \$2,000 in value constitutes theft of services in the second degree.

"(2) Theft of services in the second degree is a Class C felony.

"(D) Theft of Services in the Third Degree.

"(1) The theft of services which does not exceed \$100 in value constitutes theft of services in the third degree.

"(2) Theft of services in the third degree is a Class A misdemeanor.

"Sec. 3250. Obscuring Identity of Vehicle.

"(1) A person commits the crime of obscuring identity of a vehicle if:

"(a) He obscures the manufacturer's serial number or any other distinguishing identification number or mark upon any vehicle or component part thereof, except tires, with intent to render it unidentifiable; or

"(b) He possesses a vehicle or component part thereof knowing that the manufacturer's serial number or other identification number or mark has been obscured unless he legally acquired ownership of the vehicle or part before the manufacturer's serial number was obscured or before he knew it was obscured.

"(2) "Obscure" means to remove, deface, cover, alter, destroy, or otherwise render unidentifiable.

"(3) "Vehicle" means any propelled device in, upon, or by which any

person or property transported on land, water, or in the air, including stationary rails or tracks, and includes motor vehicles, motorboats, vessels, and aircraft.

"(4) Proof that a person has obscured the manufacturer's serial number or other distinguishing identification number or mark on a vehicle is prima facie evidence that he did so with the intent to render it unidentifiable within the meaning of subparagraph (1)(a).

"(5) Possession of a vehicle held for sale in the course of business on which the serial number or other identification number or mark has been obscured is prima facie evidence of knowledge of that fact.

"(6) A report by the defendant to the police or other appropriate government agency before arrest is a defense to a charge of violating subparagraph (1)(b). The burden of injecting this issue is on the defendant, but this does not shift the burden of proof.

"(7) Obscuring identity of a vehicle is a Class A misdemeanor. C felony.

"Sec. 3280. Definitions for Chapter 32.

"The following definitions are applicable in this chapter unless the context otherwise requires.

"(1) "Deception" occurs when a person knowingly:

"(a) Creates or confirms another's impression which is false and which the defendant does not believe to be true; or

"(b) Fails to correct a false impression which the defendant previously had created or confirmed; or

"(c) Fails to correct a false impression when the defendant is under a duty to do so; or

"(d) Prevents another from acquiring information pertinent to the disposition of the property involved; or

"(e) Sells or otherwise transfers or encumbers property, failing to disclose a lien, adverse claim, or other legal impediment to the enjoyment of the property when the defendant is under a duty to do so, whether that impediment is or is not valid, or is not a matter of official record; or

"(f) Promises performance which the defendant does not intend to perform or knows will not be performed. Failure to perform standing alone, however, is not proof that the defendant did not intend to perform.

"The term "deception" does not however, include falsity as to matters having no pecuniary significance, or puffing by statements unlikely to deceive ordinary persons. "Puffing" means an exaggerated commendation of wares or services.

"(2) To "deprive . . ." means:

"(a) To withhold property or cause it to be withheld from a person permanently or for such period or under such circumstances that all or a portion of its use or benefit would be lost to him; or

"(b) To dispose of the property so as to make it unlikely that the owner would recover it; or

"(c) To retain the property with intent to restore it to the owner only if the owner purchases or leases it back, or pays a reward or other compensation for its return; or

"(d) To sell, give, pledge, or otherwise transfer any interest in the property;

"(e) To subject the property to the claim of a person other than the owner.

"(3) "Financial institution" means a bank, insurance company, credit union, safety deposit company, savings and loan association, investment trust, or other organization held out to the public as a place of deposit of funds or medium of savings or collective investment.

"(4) "Firearm" means a weapon from which a shot is discharged by gunpowder.

"(5) "Government" means the United States, any state or any county, municipality or other political unit within territory belonging to the United States, or any department, agency, or subdivision of any of the foregoing, or any corporation or other association carrying out the functions of government, or any corporation or agency formed pursuant to interstate compact or international treaty.

"As used in this definition "State" includes any state, territory, or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

"(6) "Obtains" means:

"(a) In relation to property, to bring about a transfer or purported transfer of a legally recognized interest in the property, whether to the obtainer or another; or

"(b) In relation to labor or service, to secure performance thereof.

"(7) "Obtains or exerts control" or "obtains or exerts unauthorized control" over property includes but is not necessarily limited to the taking, carrying away, or the sale, conveyance, or transfer of title to, or interest in, or possession of property, and includes but is not necessarily limited to conduct heretofore defined or known as common-law larceny by trespassory taking, common-law larceny by trick, larceny by conversion, embezzlement, extortion, or obtaining property by false pretenses.

"(8) "Owner" means a person, other than the defendant, who has possession of or any interest in the property involved, even though that interest or possession is unlawful, and without whose consent the defendant has no authority to exert control over the property.

"A secured party as defined in §9-105(i) of the Uniform Commercial Code is not an owner in relation to a defendant who is a debtor, as defined in §9-105(d) of the Uniform Commercial Code, in respect of property in which the secured party has a security interest, as defined in §1-201(37) of the Uniform Commercial Code.

"(9) "Propelled vehicle" means any propelled device in, upon, or by which any person or property is transported by land, water, or in the air, and

includes motor vehicles, motorcycles, motorboats, aircraft, and any vessel propelled by machinery whether or not that machinery is the principal source of propulsion.

"(10) "Property" means any money, tangible or intangible personal property, property (whether real or personal) the location of which can be changed (including things growing on, affixed to, or found in land and documents although the rights represented hereby have no physical location), contract right, chose-in-action, interest in or claim to wealth, credit, or any other article or thing of value of any kind.

"Commodities of a public utility nature such as gas, electricity, steam and water constitute property, but the supplying of such a commodity to premises from an outside source by means of wires, pipes, conduits or other equipment shall be deemed a rendition of a service rather than a sale or delivery of property. (See § 3210(2) Theft of Services.)

"(11) "Receiving" includes but is not limited to acquiring possession, control, or title and taking a security interest in the property.

"(12) "Stolen" means obtained by theft, theft by appropriating lost property, robbery, or extortion.

"(13) "Threat" means a menace, however communicated to:

"(a) Cause physical harm in the future to the person threatened to or any other person; or

"(b) Cause damage to property; or

"(c) Subject the person threatened or any other person to physical confinement or restraint; or

"(d) Engage in other conduct constituting a crime; or

"(e) Accuse any person of a crime or cause criminal charges to be instituted against any person; or

"(f) Expose a secret or publicize an asserted fact, whether true or false, tending to subject any person to hatred, contempt or ridicule; or

"(g) Reveal any information sought to be concealed by the person threatened; or

"(h) Testify or provide information or withhold testimony or information with respect to another's legal claim or defense; or

"(i) Take action as an official against anyone or anything; or withhold official action, or cause such action or withholding; or

"(j) Bring about or continue a strike, boycott, or other similar collective action to obtain property which is not demanded or received for the benefit of the group which the actor purports to represent; or

"(k) Do any other act which would not in itself substantially benefit the actor but which is calculated to harm substantially another person with respect to his health, safety, business, calling, career, financial condition, reputation, or personal relationships.

"(14) "Value" means the market value of the property at the time and place of the criminal act.

"Whether or not they have been issued or delivered, certain written instruments, not including those having a readily ascertainable market value such as some public and corporate bonds and securities shall be evaluated as follows:

"(a) The value of an instrument constituting an evidence of debt, such as a check, draft or promissory note, shall be deemed the amount due or collectible thereon or thereby, that figure ordinarily being the face amount of indebtedness less any portion thereof which has been satisfied.

"(b) The value of any other instrument that creates, releases, discharges, or otherwise affects any valuable legal right, privilege, or obligation shall be deemed the greatest amount of economic loss of the instrument.

"When the value of property cannot be ascertained pursuant to the standards set forth above, its value shall be deemed to be an amount not exceeding \$250 \$100.

"Amounts involved in thefts committed pursuant to one scheme or course of conduct, whether from the same person or several persons, may be aggravated in determining the grade of the offense, provided, however, that only one conviction may be had and only one sentence enforced for all thefts included in such aggregate.

"Sec. 4045. Illegal Possession of or Fraudulent Use of Credit Card or Debit Card.

"(1) A person commits the crime of illegal possession of a credit or debit card if knowing that he does not have the consent of the owner, he takes, exercises control over, or otherwise uses such card.

"(1)" (2) A person commits the crime of fraudulent use of a credit card or debit card if he uses, attempts to use or allows to be used, a credit card or debit card for the purpose of obtaining property, services or anything else of value with knowledge that:

"(a) The card is stolen; or

"(b) The card has been revoked or canceled; or

"(c) For any other reason his use of the card is unauthorized by either the issuer or the person to whom the credit card or debit card is issued.

"The mere use by the original issuee of a credit card or debit card which has expired is not within the provisions of Section 4045 (1) (c).

"(2)" (3) "Credit Card" means any instrument, writing or other evidence, whether known as a credit card, credit plate, charge plate or by any other name, which purports to evidence an undertaking to pay for property or services delivered or rendered to or upon the order of a designated person or bearer.

"(3)" (4) "Debit card" means any instrument or writing or other evidence known by any name issued with or without fee by an issuer for the use of a depositor in obtaining money, goods, services or anything else of value, payment of which is made against funds previously deposited in an account with the issuer.

"(4)" (5) Illegal Possession of or Fraudulent use of a credit card or debit card is a Class A misdemeanor.

"Section 4115. Bait Advertising

"(1) A person commits the crime of bait advertising if in any manner including advertising or other means of communication to the public or to a substantial number of persons, he offers to sell property or services with the intent plan or purpose not to sell or provide the advertised property or services:

"(a) At the price at which he offered them; or

"(b) In a quantity sufficient to meet the reasonably expected public demand, unless the quantity is specifically stated in the advertisement, or advertisement discloses a limitation of quantity; or

"(c) At all

."(2) Bait advertising is a Class A misdemeanor.

"Sec. 4601. Definition of Terms.

"(1) The definitions contained in 4501 are applicable in this chapter unless the context requires otherwise.

"(2) "Custody" means a restraint or detention by a public servant pursuant to a lawful arrest, conviction, or order of court, but does not include mere supervision of probation or Parole, or constraint incidental to release on bail.

"(3) "Detention facility" means any place used for the confinement, pursuant to law, of a person:

"(a) Charged with or convicted of a criminal offense; or

"(b) Charged with being or adjudicated a youthful offender, or a neglected minor or juvenile delinquent; or

"(c) Held for extradition; or

"(d) Otherwise confined pursuant to an order of court.

"(4) "Penal facility" means any maximum or medium security correctional institution for the confinement of persons arrested for, charged with, or convicted of a criminal offense, including but not limited to the following maximum or medium security facilities; the state penitentiary and any branch thereof; any county or city jail; the Alabama Boys Industrial School, and the State Training School for Girls.

"(5) "Contraband means any article or thing which a person confined in a detention facility is legally prohibited from obtaining or possession by statute, rule, regulation or order.

"Sec. 4608. Escape in the Third Degree.

"(1) A person commits the offense of escape in the third degree if he escapes or attempts to escape from custody.

"(2) Escape in the third degree is a Class A misdemeanor C felony.

"Sec. 4705. Bribery.

"(1) A person commits the crime of bribery if:

"(a) He offers, confers or agrees to confer any pecuniary benefit thing of

value upon a public servant with the intent that the public servant's vote, opinion, judgement, exercise of discretion or other action in his official capacity will thereby be corruptly influenced; or

"(b) While a public servant, he solicits, accepts or agrees to accept any pecuniary benefit upon an agreement or understanding that his vote, opinion, judgement, exercise of discretion or other action as a public servant will thereby be corruptly influenced.

"(2) It is not a defense to a prosecution under this section that the person sought to be influenced was not qualified to act in the desired way, whether because he had not yet assumed office, lacked jurisdiction, or for any other reason.

"(3) Bribery is a Class C felony.

"Sec. 5511. Inciting a Riot.

"(1) A person commits the crime of inciting to riot if he commands, solicits, incites or urges another person to engage in tumultuous and violent conduct of a kind likely to cause or create a grave risk of public terror or alarm.

"(2) Inciting to riot is a Class A misdemeanor.

"Sec. 5530. Harassment or Harassing Communication.

"(A)

"(1) A person commits the crime of harassment if, with intent to harass, annoy or alarm another person, he strikes, shoves, kicks or otherwise touches a person or subjects him to physical contact.

"(2) Harassment is a Class C misdemeanor.

"(B)

"(1) A person commits the crime of harassing communications if, with intent to harass or alarm another person, he:

"(a) Communicates with a person, anonymously or otherwise, by telephone, telegraph, mail, or any other form of written or electronic communication, in a manner likely to harass or cause alarm; or

"(b) Makes a telephone call, whether or not a conversation ensues with no purpose of legitimate communication; or

"(c) Telephones another person and addresses to or about such other person any lewd or obscene words or language. Nothing in this section shall apply to a legitimate Business telephone communications.

"(2) Harassing communication is a Class C misdemeanor.

"Sec. 9901. Laws Repealed.

"Title 1, sections 5, 7 and 11, Alabama Code are hereby repealed.

"Title 2, sections 11, 188, 315(2) [Act No. 134, § 2, H. 210, 1947, Regular Session, (Acts of 1947, p. 43)], 401(66) [Act No. 1049, § 14, S. 8, 1969, Regular Session (Acts of 1969, p. 1951)], 471(6) [Act No. 481, § 7, S. 236, 1945, Regular Session (Acts of 1945, p. 719)], 603, and 632, Alabama Code are hereby repealed.

"Title 3, sections 8, 11, 12, 55(8)[Acts No. 258, § 5, H. 236, 1959, Regular Session (Acts of 1959, p. 823)], [Act No. 132, S. 132, 1975, Regular Session (Acts of 1975)], Alabama Code are hereby repealed.

"Title 4, section 20 (30)(6)[Act. No. 402, § 7, S. 217, 1945, Regular Session (Acts of 1945, p. 639)], Alabama Code is hereby repealed.

"Title 5, sections 34, 38, 39, 40, 139, 144 and 145, Alabama Code are hereby repealed.

"Title 8, sections 44(2)[Act No. 357, § 2, S. 156, 1951, Regular Session (Acts of 1951, p. 644)], 80, 212, 213, 214, 215, 217, 231 (11)[Act No. 169, § 10, H. 27, 1945, Regular Session (Acts of 1945, p. 289)], 231(13)[Act No. 169, § 12, H. 27, 1945, Regular Session (Acts of 1945, p. 289)], Alabama Code are hereby repealed.

"Title 11, section 40, Alabama Code is hereby repealed.

"Title 12, section 42, Alabama Code is hereby repealed.

"Title 13, sections 125(69)[Act No. 115, § 9, H. 332, 1953, Regular Session (Acts of 1953, p. 164) as amended], 224, 236, 281, 289, 502 [Act No. 535, § 6, H. 724, 1953, Regular Session (Acts of 1953, p. 750)], Alabama Code are hereby repealed.

"Title 14, sections 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 22(1)[Act No. 640, § 1, H. 339, 1947, Regular Session (Acts of 1947, p. 494)], 22(2)[Act No. 640, § 2, H. 339, 1947, Regular Session (Acts of 1947, p. 494)], 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 41(1)[Act No. 2422, H. 110, 1971, Regular Session (Acts of 1971), p. 3855)], 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 55, 56, 57, 63 (as amended), 64 (as amended), 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 79(1)[Act No. 253, § 1, H. 264, 1947, Regular Session (Acts of 1947, p. 107)], , 79(2)[Act No. 253, § 2, H. 264, 1947, Regular Session (Acts of 1947, p. 107)], , 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 97(1)[Act No. 907, § 1, H. 774, 1951 Regular Session, (Acts of 1951, p. 1546)], 97(2)[Act No. 907, § 2, H. 774, 1951, Regular Session (Acts of 1951 p. 1546) 97(3) [Act No. 907, §3, H. 774, 1951, Regular Session (Acts of 1951 p. 1546) 97(4)[Act No. 907, § 4, H. 774, 1951, Regular Session (Acts of 1951 p. 1546)], 97(5) [Act No. 907, § 5, H. 774, 1951, Regular Session (Acts of 1951, p. 1547)], 97, (6)[Act No. 907, § 6, H. 774, Regular Session (Acts of 1951, p. 1548)], 97(7) [Act No. 907, § 7, H. 774, 1951 Regular Session Acts of 1951, p. 1548)], 97, (8)[Act No. 907, § 8, H. 1951, Regular Session, Acts of 1951, p. 1548], 98, 99, 100, 101, 103, 104, 105, 105(1)[Act No. 1116, § 1, S. 205, 1969, Regular Session (Acts of 1969, p. 2055)], 105(2), Act No. 1116, § 2, S. 205, 1969, Regular Session (Acts of 1969, p. 2055)], 105(3), [Act No. 1118, §3, S. 205, 1969, Regular Session (Acts of 1969, p. 2055)], 105(4), [Act No. 1116, § 4, S. 205, 1969, Regular Session (Acts of 1969, p. 2057)], 105(5), [Act No. 1116, § 5, S. 205, 1969, Regular Session, (Acts of 1969, p. 2058)], 105(6), [Act No. 1118, § 6, 3, 205, 1969, Regular Session (Acts of 1969, p. 2058)], 105 (7), [Act No. 1116, § 7, S. 205, 1969, Regular Session (Acts of 1969, p. 2058)], 105 (8), [Act No. 1116, § 8, S. 205, 1969, Regular Session (Acts of 1969, p. 2059) 105 (9), [Act No. 1116, § 9, S. 205, 1969, Regular Session (Acts of 1969, p. 2059)], 105 (10), [Act No. 1116, § 10, S. 205, 1969, Regular Session (Acts of 1969, p. 2059)], 105 (11), Act No. 1116, § 11, S. 205 1969, Regular Session (Acts of 1969, p. 2059), 106, 107, 108, 110, 111, 112, 113, 115, (1) [(Act No. 38, H. 101, 1951, Regular Session (Acts of 1951, p. 247)], 116, 117, 118, 119 (1) [Act No. 87, S. 1 1959, Regular Session (Acts of 1959, p. 568)], 119 (2) [Act

No. 574, H. 1967, Regular Session (Acts of 1967, p. 1328)], 120, 120, (L)[Act No. 330, H. 585, 1945, Regular Session (Acts of 1945, p. 544)], 121, 122, 123, 124, 125, 125(5)[Act No. 391, § 1, S. 33, 1955, Regular Session (Acts of 1955, p. 926)], p. 926, 125 (6)[Act No. 391, § 2, S. 33, 1955 Regular Session (Acts of 1955, p. 926) (as Amended)], 125(7)[Act No. 391, § S. 33, 1955, Regular Session (Acts of 1955, p. 926) (as Amended)], 125 (3) [Act No. 391, § 4, S. 33, 1955, Regular Session (Acts of 1955, p. 926)], 125(14)(Act No. 391, § 9, S. 33, 1955, Regular Session (Acts of 1955, p. 926)], 125(15)[Act No. 391, § 10, S. 33, 1955, Regular Session (Acts of 1955, p. 926)(as amended)], 126 as amended, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 151(1)[Act No. 86, § 1, S. 106, 1959, Regular Session (Acts of 1959, p. 508)], 152, 153 (as amended), 154, 155, 156, 157, 158, 159, 160, 167, 171, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 207 (as amended), 208, 209, 210, 211, 212, 213, 214, 215, 216, 217 (as amended), 217(1) [Act No. 57, § 1, H. 192, 1961, Regular Session (Acts of 1961, p. 1922)], 217(2)[Act No. 57, § 2, H. 192, 1961, Regular Session (Acts of 1961, p. 1922)], 217(3)[Act No. 57, §3, H. 192, 1961, Regular Session (Acts of 1961, p. 1922)], 217(4)[Act No. 57, § 4, H. 192, 1961, Regular Session (Acts of 1961, p. 1922)], 217(5)[Act No. 57, § 5, H. 192, 1961, Regular Session (Acts of 1961, p. 1923)], 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 234(1)[Act No. 256, S. 244, 1949, Regular Session (Acts of 1949 p. 378)], 234(9)[Act No. 2479, § 1, H. 2083, 1971, Regular Session (Acts of 1971, p. 3959)], 234(10)[Act No. 2479, § 2, H. 2083, 1971, Regular Session (Acts of 1971, p. 3959)], 234(11)[Act No. 2479, § 3, H. 2083, 1971, Regular Session (Acts of 1971, P. 3959)], 234(12)[Act No. 2479, § 4, H. 2083, 1971, Regular Session (Acts of 1971, p. 3959)], 234(13)[Act No. 2479, § 5, H. 2083, 1971, Regular Session (Acts of 1971, p. 3959)], 234(14)[Act No. 2479, § 6, H. 2083, 1971, Regular Session (Acts of 1971, p. 3959)], 234(15)[Act No. 2479, § 7, H. 2083, 1971, Regular Session (Acts of 1971, p. 3960)], 234(16)[Act No. 2479, § 8, H. 2083, 1971, Regular Session (Acts of 1971, p. 3960)], 234(17)[Act No. 2479, § 9, H. 2083, 1971, Regular Session (Acts of 1971, p. 3960)], 234(18)[Act No. 2479, § 10, H. 2083, 1971, Regular Session (Acts of 1971, p. 3960)], 234(19)[Act No. 2479, § 11, H. 2083, 1971, Regular Session (Acts of 1971, p. 3961)], 234(20)[Act No. 2479, § 12, H. 2083, 1971, Regular Session (Acts of 1971, p. 3961)], 234(21)[Act No. 2479, § 13, H. 2083, 1971, Regular Session (Acts of 1971, p. 3962)], 235, 236, 246 (as amended), 254, 256, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288 (as amended) 289, 291, 293, 302(1)[Act No. 799, S. 291, 1951, Regular Session (Acts of 1951, p. 1398)], 303, 304, 305, 306, 307, 308, 310, 311, 312, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 325, 326(1)[Act No. 594, S. 400, 1949, Regular Session (Acts of 1949, p. 926)], 326(a1)[Act No. 232, § 1, H. 402, 1967, Regular Session (Acts of 1967, p. 606)], 326(a2)[Act No. 232, § 2, H. 402, 1967, Regular Session (Acts of 1967, p. 606)], 326(a3)[Act No. 232, § 3, H. 402, 1967, Regular Session (Acts of 1967, p. 607)], 326(a4)[Act No. 232, § 4, H. 402, 1967, Regular Session (Acts of 1967, p. 607)], 326(a5)[Act No. 233, § 1, H. 403, 1967, Regular Session (Acts of 1967, p. 607)], 326(a6)[Act No. 233, § 2, H. 403, 1967, Regular Session (Acts of 1967, p. 608 326(a7)[Act No. 233, § 3, H. 403, 1967, Regular Session (Acts of 1967, p. 609)], 326(a8)[Act No. 233, § 4, H. 403, 1967, Regular Session (Acts of 1967, p. 609)], 326(2)[Act No. 397, S. 279, 1955, Regular Session (Acts of 1955, p. 932)], 331 (as amended), 332, 333, 333(1)[Act No. 258, H. 106, 1967, Regular Session (Acts of 1967, p. 736)], 334, 335, 336, 338, 339, 340, 341, 342, 343, 343(1)[Act No. 1099, S. 49, 1969, Regular Session (Acts of 1969, p. 2035)], 344, 345, 346, 346(1)[Act No. 68, H. 73, 1953, Regular Session (Acts of 1953, p. 99) (as amended)], 346(2)[Act No. 238, S. 128, 1961, Ex. Sess., (Acts of 1961, p. 2251)], 346(3)[Act No. 663, S. 35,

1965, Regular Session (Acts of 1965, p. 1197)], 346(4)[Act No. 1083, S. 861, 1969, Regular Session (Acts of 1969, p. 2019)], 352, 353, 354, 355, 356, 358(1)[Act No. 139, S. 155, 1949, Regular Session (Acts of 1949, p. 165)], 359, 360, 361, 362, 362(1)[Act No. 886, H. 408, 1953, Regular Session (Acts of 1953, p. 1192)], 363, 364, 365, 366, 367, 368, 369, 370, 371, 371(1)[Act No. 149, H. 180, 1956, 1st Ex. Sess (Acts of 1956, p. 214)], 372, 373, 374, 374(1)[Act No. 856, § 1, S. 242, 1961, Regular Session (Acts of 1961, p. 1310)], 374(2)[Act No. 856, § 2, S. 242, 1961, Regular Session (Acts of 1961, p. 1310)], 374(3)[Act No. 856, § 3, S. 242, 1961, Regular Session (Acts of 1961, p. 1310)], 374(4)[Act No. 856, § 4, S. 242, 1961, Regular Session (Acts of 1961, p. 1311)], 374(5)[Act No. 856, § 5, S. 242, 1961, Regular Session (Acts of 1961, p. 1311)], 374(6)[Act No. 856, § 6, S. 242, 1961, Regular Session (Acts of 1961, p. 1312)], 374(7)[Act No. 856, § 7, S. 242, 1961, Regular Session (Acts of 1961, p. 1312)], 374(S)[Act No. 856, § 8, S. 242 1961, Regular Session (Acts of 1961, p. 1313)], 374(9)[Act No. 856, § 9, S. 242, 1961, Regular Session (Act of 1961, p. 1313)], 374(10)[Act No. 856, § 10, S. 242, 1961, Regular Session (Acts of 1961, p. 1313)], 374(11)[Act No. 856, § 11, S. 242, 1961, Regular Session (Acts of 1961, p. 1314)], 374(12)[Act No. 856, § 12, S. 242, 1961, Regular Session (Acts of 1961, p. 1314)], 374(13)[Act No. 856, § 13, S. 242, 1961, Regular Session (Acts of 1961, p. 1314)], 374(14)[Act No. 856, § 14, S. 242, 1961, Regular Session (Acts of 1961, p. 1315)], 374(15)[Act No. 856, § 15, S. 242, 1961, Regular Session (Acts of 1961, p. 1317)], 374(16)[Act No. 856, § 16, S. 242, 1961 Regular Session (Acts of 1961, p. 1315)], 374(16a)[Act No. 408, § 1, H. 111, 1969, Regular Session (Acts of 1969, p. 801)], 374(16b)[Act No. 408, § 2, H. 111, 1969, Regular Session (Acts of 1969, p. 802)], 374(16c)[Act No. 408, § 3, H. 111, 1969, Regular Session (Acts of 1969, p. 803)], 374(16d)[Act No. 408, § 4, H. 111, 1969, Regular Session (Acts of 1969, p. 803)], 374(16e)[Act No. 408, § 5, H. 111, 1969, Regular Session (Acts of 1969, p. 803)], 374(16f)[Act No. 408, § 6, H. 111, 1969, Regular Session (Acts of 1969, p. 804)], 374(16g)[Act No. 408, § 7, H. 111, 1969, Regular Session (Acts of 1969, p. 804)], 374(16h)[Act No. 408, § 8, H. 111, 1969, Regular Session (Acts of 1969, p. 804)], 374(16i)[Act No. 408, § 10, H. 111, 1969, Regular Session (Acts of 1969, p. 805)], 374(16j)[Act No. 698, § 1, S. 45, 1969, Regular Session (Acts of 1969, p. 1253)], 374(16k)[Act No. 698, § 2, S. 45, 1969, Regular Session (Acts of 1969, p. 1254)], 374(16L)[Act No. 698, § 3, S. 45, 1969, Regular Session (Acts of 1969, p. 1254)], 374(16m)[Act No. 698, § 4, S. 45, 1969, Regular Session (Acts of 1969, p. 1254)], 374(16n)[Act No. 698, § 5, S. 45, 1969, Regular Session (Acts of 1969, p. 1255)], 374(16o)[Act No. 698, § 6, S. 45, 1969, Regular Session (Acts of 1969, p. 1255)], 374(17)[Act No. 274, H. 167, 1965, 1st Ex. Sess. (Acts of 1965, p. 382)], 374(18)[Act No. 746, § 1, S. 509 1967, Regular Session (Acts of 1967, p. 1600)], 374(19)[Act No. 746, § 2, S. 509, 1967, Regular Session (Acts of 1967, p. 1600)], 374(20)[Act No. 746, § 3, S. 509, 1967, Regular Session (Acts of 1967, p. 1600, 375, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 392, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 407(1), Act No. 504, H. 745, 1961, Regular Session (Acts of 1961, p. 601)], 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 419(2)[Act No. 519, § 1, H. 469, 1953, Regular Session (Acts of 1953, p. 684)], 419(3)[Act No. 519, § 2, H. 469, 1953, Regular Session (Acts of 1953, p. 684) 423, 424, 425, 426 (as amended), 426(1)[Act No. 60, H. 80, 1953, Regular Session (Acts of 1953, p. 88)], 427, 429, 430, 430(1) [Act No. 533, S. 116, 1963, Regular Session (Acts of 1963, p. 1146)], 431, 432 (as amended), 433, 436, 436(1)[Act No. 520, H. 260, 1943, Regular Session (Acts of 1943, p. 487)], 436(2)[Act No. 125, S. 49, 1951, Regular Session (Acts of 1951, p. 354)], 437, 438, 439, 440, 441, 442, 443, 444, Alabama Code are hereby repealed.

"Title 15, sections 11, 33, 156, 323, 326, 327, 328, 329, 330, 331, 332, 334, 335, 336, Alabama Code are hereby repealed.

"Title 17, sections 287, 288, 290, 291, 292, 307, 309, 310, 313, 323, 324, 329, 334, Alabama Code are hereby repealed.

"Title 22, sections 146, 168, 169, 171, 172, 204(71)[Act No. 394, § 17, H. 204, 1957, Regular Session (Acts of 1957; p. 539)], Alabama Code are hereby repealed.

"Title 23, sections 96, 125, 126, 128, 129, 130, 131 (as amended) 131(1)[Act No. 55, § 1, H. 190, 1961, Ex. Session (Acts of 1961, p. 1920)], 135, 137, Alabama Code are hereby repealed.

"Title 24, sections 8 (as amended) and 18 (as amended) Alabama Code are hereby repealed.

"Title 25, section 36 Alabama Code is hereby repealed.

"Title 26, sections 70, 82, 166(72)[Act No. 207, § 71, S. 134, 1949, Regular Session (Acts of 1949, p. 280)], 179(43)[Act No. 1, § 20, H. 46, 1945, Regular Session (Acts of 1945, p. 14)], 314, 315, 316, 317, 318, 319, 322, 324 (as amended), 359, 372, 275, 384 [Act No. 298, § 9, S. 341, 1943, Regular Session (Acts of 1943, p. 256)], 385[Act No. 298, § 10, S. 341, 1943, Regular Session (Acts of 1943, p. 256)], 386[Act No. 298, § 11, S. 341, 1943, Regular Session (Acts of 1943, p. 256)], Alabama Code are hereby repealed.

"Title 28A, sections 229 [Act No. 608, § 4, H. 377, 1957, Regular Session (Acts of 1957, p. 866) (as amended)], 230[Act No. 608, § 4, H. 377, 1957, Regular Session (Acts of 1957, p. 866) (as amended)], 231[Act No. 407, § 231, H. 198, 1971, Regular Session (Acts of 1957, p. 830) (as amended)], Alabama Code are hereby repealed.

"Title 30, section 49, Alabama Code is hereby repealed.

"Title 34, sections 1 (as amended), 2, 13, and 90 Alabama Code are hereby repealed.

"Title 37, sections 34(65)[Act No. 663, § 46, S. 132, 1961, Regular Session (Acts of 1961, p. 862)], 34(118)[Act No. 663, § 47, S. 132, 1961, Regular Session (Acts of 1961, p. 903)], Alabama Code are hereby repealed.

"Title 38, sections 93, 94, 95, 96, 97(37)[Act No. 769, § 2, H. 749, 1969, Regular Session (Acts of 1969, p. 1368)], and 113, Alabama Code are hereby repealed.

"Title 41, sections 28, 143, 146, 203, 204, 205, 206, 207, 208, 209, 210, 211 (as amended), 212, 213, 214, 216, 218, 219, 221 (as amended), and 222 Alabama Code are hereby repealed.

"Title 45, sections 112, 113, 113(1)[Act No. 10, S. 125, 1949, Regular Session (Acts of 1949, p. 24)], 149, 188(5)[Act No. 307, § 5, H. 271, 1971, 3rd Ex. Session (Acts of 1971, p. 4596)(as amended)], Alabama Code are hereby repealed.

"Title 46, section 257(39)[Act No. 107, § 14, H. 151, 1959, Regular Session (Acts of 1959, p. 609)] Alabama Code is hereby repealed.

"Title 48, sections 198, 398, 401, 402, 403, 407, 409, 410, 411, 412, 413, 414, 415 (as amended), 417(3)[Act No. 587, S. 24, 1963, Regular Session (Acts of 1963, p. 1284)], 417(4)[Act No. 698, § 1, H. 28, 1965, Regular Session (Acts of 1965, p. 1298)], 417(5)[Act No. 698, § 2, H. 28, 1965, Regular Session (Acts

of 1965, p. 1298)], 417(6)[Act No. 698, § 3, H. 28, 1965, Regular Session (Acts of 1965, p. 1298)], 419, 424, 438, 440, 454, 455, 456, 457, 458, 460, 461, 462, 465, 466, Alabama Code are hereby repealed.

"Title 49, section 17(21)[Act No. 702, § 20, H. 1097, 1951, Regular Session (Acts of 1951, p. 1223) (as amended)], Alabama Code is hereby repealed.

"Title 51, sections 394[Act No. 75, H. 16, 1945, Regular Session (Acts of 1945, p. 72) (as amended)], 431(10)[Act No. 2, § 10, H. 47, 1945, Regular Session (Acts of 1945, p. 24)], 833, Alabama Code are hereby repealed.

"Title 52, sections 137, 584, 613(15)[Act No. 822, § 15, S. 107, 1947, Regular Session (Acts of 1947, p. 378)], 614, 618, 619, Alabama Code are hereby repealed.

"Title 53, sections 40[Act No. 542, § 13, S. 282, 1959, Regular Session (Acts of 1959, p. 1342)], 52[Act No. 542, § 26, S. 282, 1959 Regular Session (Acts of 1959, p. 1349)], Alabama Code are hereby repealed.

"Title 54, sections 6, 7, 8, 23, 27 Alabama Code are hereby repealed.

"Title 55, sections 48, 59, 289(7)[Act No. 293, § 2, S. 305, 1945, Regular Session (Acts of 1945, p. 486)], 289(9)[Act No. 293, § 4, S. 305, 1945, Regular Session (Acts of 1945, p. 487)], Alabama Code are hereby repealed.

"Title 57, sections 93, 109, 110, 111, 148[Act No. 553, § 18, H. 914, 1965, Regular Session (Acts of 1965, p. 1034)], Alabama Code are hereby repealed.

"Title 60, sections 19 and 38 Alabama Code are hereby repealed.

"Wherever in the foregoing section reference is made to Alabama Code, the same shall be taken to mean the official Code of Alabama, 1940, as amended, except where, after adoption of the 1940 Code there has been a subsequent independent statute embraced in the current compilation of Michie Publishing Company known as the Code of Alabama, Recompiled, 1958, with its current cumulative supplement. The provisions of said Recompiled Code are identified by a particular Title and a Section not shown in the official Code, or a particular Title and a Section followed by an Arabic number enclosed in parentheses. The independent statutes thus referred to are repealed. Nothing in this act shall be construed as amending or repealing any provision of Act No. 2431, Regular Session 1971, amended by Act No. 97 Regular Session 1973, and further amended by Act 1095 Regular Session 1975, nor shall anything in this act be construed as amending or repealing any provision of Act No. 376, H. 1040, Regular Session 1975.

Section 9910. Time of Taking Effect.

This act shall take effect at 12:01 A.M. o'clock on June 1, 1979.

Mr. Powell offered the following amendment to the substitute for the Bill, S. B. 550, to-wit:

AMENDMENT TO SUBSTITUTE FOR S. B. 550

Amend S. B. 550 Page 1 & 26: Section 9910. by striking the date "June 1, 1979" and by inserting in lieu thereof the following.

"June 1, 1980"

Mr. Clemon moved that said amendment be laid on the table, which motion was lost.

And said amendment was then adopted by the Senate.

Mr. St. John moved that the Senate reconsider the vote by which the amendment offered by Mr. Powell was adopted, which resulted in a tie vote.

Yeas 14; Nays 14.

Yeas:

Messrs. Baker, Bank, Clemon, Ellis, Fine, McDonald (S), McMillan, Mitchell, Noonan, Perloff, Roberts, St. John, Stewart, Vacca.

—14

Nays:

Messrs. Adams, Edwards, Gilmore, Higginbotham, Jones, King, Little, McDonald (A), Mims, Pearson, Peden, Powell, Proctor, Shelby.

—14

The President and Presiding Officer of the Senate voted "Nay"; therefore, the motion to reconsider was lost.

The question was then on the substitute, as amended, for the Bill, S. B. 550, and said substitute was then adopted.

Yeas 22; Nays 2.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Gilmore, Higginbotham, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Peden, Proctor, St. John, Shelby, Vacca.

—22

Nays: Messrs. Fine, Perloff.

—2

And said Bill, S. B. 550, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 2.

Yeas:

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Foshee, Higginbotham, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Pearson, Peden, Proctor, Roberts, St. John, Shelby, Stewart, Vacca.

—24

Nays: Messrs. Fine, Powell.

—2

ADJOURNMENT

At 4:15 P.M., Mr. Waldrop moved that the Senate adjourn until Wednesday, March 29, 1978, at 10 o'clock A.M.

Mr. Fine offered a substitute motion that the Senate adjourn until Wednesday at 2 o'clock P.M., which motion was adopted, and at 4:17 P.M. the Senate adjourned until Wednesday, March 29, 1978, at 2 o'clock P.M.

TWENTY-SECOND LEGISLATIVE DAY

WEDNESDAY, MARCH 29, 1978

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

PRAYER

The Session was opened with prayer by the Reverend Chester H. Jernigan, Pastor, Forest Park Baptist Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.: Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Waldrop, Wilson.

JOURNAL

On motion of Mr. Higginbotham, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-first Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

U. W. CLEMON,
Chairman.

COMMITTEE REPORT

On motion of Mr. Clemon, the foregoing report was concurred in and the Journal of the Senate for the Twenty-first Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. Higginbotham, leave of absence was granted Mr. Stewart for today.

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 420. The following bills shall be the paramount and continuing

order of business for the 22nd legislative day only, upon reaching bills on third reading, taking precedence thereafter over all other business for said day:

BILL NO.	DESCRIPTION
H. B. 170	Supplemental appropriation
S. B. 509	Probate Judges
S. B. 243	Department of Agriculture
S. B. 546	Retirement
S. B. 371	Contractors
S. B. 430	Reserve troopers
S. B. 159	Blind parents
S. B. 314	Medical residency
S. B. 160	Disabled Vets
S. B. 601	State employees
S. B. 207	American Legion
S. B. 194	Cemetery regulations

On motion of Mr. Clemon, said Resolution was adopted by the Senate.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 356. To amend Section 40-23-35, Code of Alabama 1975, so as to provide for the distribution of the proceeds from the four percent (4%) sales tax; to provide that the distribution rate to the State Department of Pensions and Security for the administration of the Food Stamp Act of 1964, Public Law 88-525, 88th Congress, and amendments enacted thereto, shall be five percent (5%) of the value of the coupons issued statewide in excess of the amount paid by recipients (bonus of free stamps) during the immediate prior fiscal quarter; to regulate staffing on a county level; to change the Food Stamp program from a county/state operation to a state administered program; and to make the provisions retroactively effective to January 1, 1978.

Also:

S. 379. Relating to Limestone County; to authorize the county commission to provide for clerical and secretarial assistance to the legislative delegation from such county.

Also:

S. 381. Relating to Limestone County; further regulating the compensation for the board of registrars and the manner of payment therefor from the county general fund.

Also:

S. 382. Relating to Limestone County, further providing for the days of meeting and the operation of the county board of registrars and the compensation therefor.

Also:

S. 472. Relating to Limestone County; providing for the compensation and expense allowance of certain county officers.

Also:

S. 473. Relating to Limestone County; to provide for the compensation for the county superintendent of education and the county board of education.

U. W. CLEMON,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing report from the Committee on Rules.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate committee, as follows:

By Mr. Owen:

S. 739. To amend Section 3 (g) of Act No. 352, approved August 23, 1957, now appearing in Section 9-17-83 (7) Code of Alabama 1975, relating to the unit operation of a field for the production of oil or gas so as to provide further for such unit operation in production from the Lower Cretaceous geological formation between depths of 10,500 feet and 11,500 feet subsea in which tertiary recovery methods are utilized.

Committee on Local Legislation No. 1.

By Mr. Noonan (With Notice and Proof):

S. 740. To amend Sections 3, 12, 14 and 15, and add Section 28, of Act No. 243 H. 278, first Special Session 1964, as amended, which establishes the pension and relief system for policemen and firemen of the City of Mobile, by changing the amounts of contributions of the members and of the City, and by providing that the City may fix, in its discretion, such part of the assessment of costs of court in connection with prosecutions for violations of municipal ordinances to be credited to said pension and relief fund; to amend further said Act No. 243; to provide for an adjustment in retirement benefits to persons retiring after the effective date of this Act; and to provide for an adjustment in benefits to persons temporarily totally disabled.

Committee on Local Legislation No. 1.

I hereby certify that the notice & proof is attached to the Bill, S. B. 740 as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Jones:

S. 741. To amend Sections 14-1-4 and 14-1-6 of the Code of Alabama 1975, so as to allow the Commissioner of Corrections to appoint one additional deputy commissioner and to provide further for the compensation of all deputy commissioners.

Commission on Finance and Taxation.

By Mr. Bank:

S. 742. To amend Section 41-9-248 of the Code of Alabama 1975, which provides for personnel of the Alabama Historical Commission, so as to provide further for the employment by the said commission of certain personnel.

Committee on State Legislation.

By Messrs. Gilmore, Vacca, Proctor and Ellis (with notice and proof):

S. 743. Relating to Jefferson County; authorizing all incorporated municipalities within said county to grant certain municipal ad valorem tax exemptions for up to fifteen years to owner-developers who build new commercial or industrial facilities on previously improved real property within the corporate limits of any such municipality located in said county; providing that such owner-developers receiving such exemptions shall, however, pay abatement property taxes assessed on not less than the highest value at which said property was assessed at anytime within five years prior to the grant of exemptions, and to provide for the procedures to be followed in the granting of such exemptions and in the determination of the amount of such abatement property taxes.

Committee on Local Legislation No. 2.

I hereby certify that the notice & proof is attached to the Bill, S. B. 743, as required in the General Acts of Alabama, 1975 Act No. 919.

MCDOWELL LEE,
Secretary.

By Messrs. Ellis, Gilmore and Vacca:

S. 744. To propose an amendment of Amendment No. 239 to the Constitution of Alabama of 1901, as amended, relating to fire protection or garbage and trash disposal districts, so as to require that the expenses of the garbage and trash disposal districts be paid by the Jefferson County Commission from the general funds of the county.

Committee on Judiciary.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Teague:

S. 745. To amend Section 40-18-19, Code of Alabama 1975, relating to exemptions from state income taxation so as to provide for an additional exemption for a taxpayer or spouse who is blind.

Committee on Finance and Taxation.

By Mr. Adams:

S. 746. To name the Allied Health Building at George C. Wallace State Community College after Mrs. Nell Espy Gary.

Committee on State Government.

By Messrs. Ellis, Vacca, Perry, Foshee, Fine and Jones:

S. 747. To provide that a free, distinctive license tag be furnished Congressional Medal of Honor winners living in Alabama.

Committee on Finance and Legislation.

BILLS ON THIRD READING

The Bill:

S. 494. To amend Section 3203 of Act No. 607, S. 33 of the 1977 Regular Session of the legislature (1977 Acts p. 812) known as the "Alabama Criminal Code," so as to include theft of cattle within the definition of theft of Property in the Second Degree.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 29; Nays 0.

Yeas:

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (S), Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Waldrop.

—29

Nays:

—0

SPECIAL ORDER

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first item of which was the Bill:

H. 170. To make further appropriations of State Funds for the fiscal year ending September 30, 1978.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, H. B. 170, to-wit:

COMMITTEE SUBSTITUTE FOR H. B. 170

A BILL TO BE ENTITLED AN ACT

To make further appropriations of State Funds for the fiscal year ending September 30, 1978.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other appropriations heretofore or hereafter made from the State General Fund there is hereby appropriated for the fiscal year ending September 30, 1978 the following:

For transfer to the State Board of Corrections:

For Operations and Maintenance \$ 750,000.00

For transfer to the Medical Services Administration:

For medical assistance through the Medicaid
program 3,400,000.00

For the Alabama Health Department

Hazardous Waste Control 100,000.00

For the Department of Toxicology to
implement the Forensic Pathology program
for North Alabama 50,000.00

For the Department of Finance—to implement the
new Financial Management System 200,000.00

For Alabama Department of Public Safety:

For operations and maintenance and purchase of
equipment and automobiles 2,000,000.00

For Alabama Travel Council 25,000.00

For Department of Publicity and Information 200,000.00

For the Parks Division of the Department
of Conservation for salaries, expenses
and maintenance of Parks buildings 378,000.00

Section 2. There is hereby appropriated in addition to all other appropriations heretofore made, the amount of \$35,000.00 from the Marine Resources' Fund for expenditure on diesel engines for the Bertrum Patrol Boat for the fiscal year ending September 30, 1978.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

On motion of Mr. Owen, said substitute was laid on the table.

Mr. Owen offered the following substitute for the Bill, H. B. 170, to-wit:

SUBSTITUTE FOR HOUSE BILL 170

A BILL TO BE ENTITLED AN ACT

To make further Appropriations of State Funds for the fiscal year ending September 30, 1978.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other appropriations heretofore or hereafter made from the State General Fund there is hereby appropriated for the fiscal year ending September 30, 1978 the following:

For transfer to the State Board of Corrections:

For Operations and Maintenance \$ 750,000.00

For transfer to the Medical Services Administration:

For medical assistance through the Medicaid
Program 3,400,000.00

For the Alabama Health Department:

Hazardous Waste Control 100,000.00

For the Department of Toxicology to
implement the Forensic Pathology program
for North Alabama 50,000.00

For the Department of Finance—to implement the
new Financial Management System 200,000.00

For Alabama Department of Public Safety:

For operations and maintenance and purchase of
equipment and automobiles 2,000,000.00

For Alabama Travel Council 25,000.00

For Department of Publicity and Information 200,000.00

For the Alabama Health Department:

Mumps immunization 200,000.00
(From the Alabama Special Educational Trust Fund)

For the Parks Division of the Department
of Conservation for salaries, expenses
and maintenance of Parks buildings 378,000.00

For Liquefied Petroleum Gas Board:

Operations 21,157.00

Section 2. There is hereby appropriated in addition to all other appropriations heretofore made, the amount of \$35,000.00 from the Marine Resources' Fund for expenditure on diesel engines for the Bertrum Patrol Board for the fiscal year ending September 30, 1978.

Section 3. There is further appropriated to the State Board of Corrections, in addition to the amount received above, the amount of \$1,300,000.00. This amount is conditional upon the condition of the General Fund, for operations and maintenance.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

REPORTS ON COMMITTEES

Mr. Gilmore, Chairman of the Standing Committee on Commerce, Transportation and Utilities, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a

favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Mims:

S. 570. To amend Section 34-1-8 of the Code of Alabama 1975 which relates to the registration of public accountants so as to provide further for the registration of persons as a public accountant who have received a college degree with a major in accounting.

By Mr. Wilson:

S. 692. To amend Section V of Act No. 551, Regular Session 1975, the Act known as the "Alabama Surface Mining Reclamation Act of 1975" so as to grant to the Alabama Surface Mining Reclamation Commission the authority to administer the Federal Initial Regulatory Program and to receive federal grants.

By Mr. Teague:

S. 647. To amend Section 2-10-20 of the Code of Alabama 1975 so as to redefine the word or term "association" contained therein.

By Mr. Gilmore:

S. 666. To repeal Sections 39-4-1—39-4-18, Code of Alabama 1975 which provides for the payment of the prevailing minimum wages under public works projects.

By Mr. McDonald (S):

S. 575. To prohibit the sale or use of an article with an altered or obliterated identification mark and to provide penalties therefor.

By Mr. Bank:

S. 681. Relating to the operation of citizens band radios from within the State of Alabama; to make it unlawful to use curse words or obscene language on any citizen band radio or to operate any citizens band radio on power that is in excess of that allowed by the rules and regulations of the Federal Communications Commission; to prescribe penalties for violation of this act.

Mr. Baker, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. McDonald (A) (with notice and proof):

S. 710. Relating to Limestone County: to provide for an additional expense allowance for the court reporter of any judicial circuit composed only of Limestone County.

By Messrs. Stewart and Teague (with notice and proof):

S. 713. Relating to Calhoun County; to provide for the salaries of certain officials of the county to become effective upon the expiration of the present terms of office of the incumbent officeholders, and to provide an expense allowance for the probate judge's office which will terminate upon the expiration of the present term of office of the probate judge.

By Messrs. Teague and Stewart (with notice and proof):

S. 714. Relating to the Office of the Tax Assessor, Calhoun County; authorize the Tax Assessor to appoint a Deputy Assessor. Establish the duties of the Deputy Assessor with salary to be fixed by the County Commission.

By Mr. Wilson (with notice and proof):

S. 735. Relating to Walker County; to provide further for the compensation of district judges.

By Messrs. Smith (M) and Ward (with notice and proof):

H. 810. To repeal Act No. 50, H. 91, 1977 First Special Session (Acts of 1977, p. 1472), entitled "An Act Relating to all counties having a population of not less than 35,000 nor more than 38,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide additional compensation for the members of the county commission."

By Messrs. Smith (M) and Ward (with notice and proof):

H. 811. Relating to Chambers County; to provide additional compensation for the members of the county commission.

By Messrs. Baker and Whatley (with notice and proof):

H. 896. Relating to Russell County, to provide further for the salary of the sheriff and to repeal conflicting laws.

By Mr. Owen:

S. 734. Relating to counties having populations of not less than 57,000 nor more than 61,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide an additional expense allowance for the tax assessor and the tax collector of such counties.

By Messrs. Waggoner and Moore (O) (with notice and proof):

H. 732. To provide an expense allowance for the District Judge of Shelby County.

By Mr. McDonald (S) (with notice and proof):

S. 711. Relating to Marshall County; to provide that the salary commission of the county shall set the salaries and compensation of the members and employees of the board of registrars to be paid from county funds.

By Messrs. Williams and Sasser (with notice and proof):

H. 642. To alter or rearrange the boundary lines of the Town of Grimes, Dale County, Alabama; so as to include within the corporate limits of said town all territory now within such corporate limits, and also certain other territory in Dale County, Alabama.

By Mr. Williams (with notice and proof):

H. 867. Relating to Dale County; to amend Act 553, H. 1296, 1977 Regular Session (Acts of 1977, p. 744) so as to allow certain employees continued employment.

Mr. Baker, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill

and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Baker (with notice and proof) (With Substitute):

S. 738. Relating to Jackson County, Alabama; to provide for the budgeting for the number, classification, and compensation of employees of the Office of Sheriff of such County, and the manner of payment therefor; to provide for motor vehicles for said office and maintenance thereof; to provide for the payment of operational cost of the Sheriff's Office; and repealing conflicting laws.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Messrs. Carter and Martin:

H. J. R. 524. HONORING AND CONGRATULATING COACH OBA BELCHER OF ATHENS STATE COLLEGE.

Also:

By Mr. Lee:

H. J. R. 525. AUTHORIZING THE NAMING OF THE UNIVERSITY OF ALABAMA BASEBALL FIELD, NOW CALLED "THOMAS FIELD" THE "SEWELL-THOMAS FIELD."

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolutions, H. J. R.'s 524 and 525, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

FURTHER CONSIDERATION OF H. B. 170

The Senate proceeded to further consideration of the Bill, H. B. 170.

The question was on the substitute offered by Mr. Owen.

Mr. Perry offered the following amendment to the substitute for the Bill, H. B. 170, to-wit:

AMENDMENT TO SUBSTITUTE FOR H. B. 170

Amend Senate Substitute for House Bill 170, Page 2, Line 19, by adding the following Section 3 and renumbering the present Section 3 to Section 4:

Section 3. There is hereby appropriated, in addition to all other appropriations heretofore made, the amount of \$1,500,000.00 from the Alabama Special Education Trust Fund for payment of salaries and expenses of the Legislature for the Fiscal Year ending September 30, 1978."

On motion of Mr. Owen, said amendment was laid on the table.

Yeas 27; Nays 3.

Yeas:

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Foshee, Higginbotham, Jones, King, Little, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Vacca, Waldrop, Wilson.

—27

Nays: Goodwin, McDonald (S), Perry

—3

And said substitute for the Bill, H. B. 170, was adopted by the Senate.

Yeas 29; Nays 0.

Yeas:

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Fine, Foshee, Goodwin, Higginbotham, Jones, King, Little, McDonald (S), McMillan, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Roberts, St. John, Shelby, Teague, Vacca, Waldrop, Wilson.

—29

Nays:

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And said Bill, H. B. 170, as thus amended by the substitute, was read a third time at length and passed.

Yeas 28; Nays 0.

Yeas:

Messrs. Adams, Baker, Clemon, Edwards, Ellis, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Roberts, St. John, Shelby, Teague, Vacca, Waldrop.

—28

Nays:

—0

Mr. Owen moved that the Senate reconsider the vote by which the Bill, H. B. 170, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Moore (O):

H. J. R. 529. COMMENDING THE VINCENT STUDY CLUB, VINCENT, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 529, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Kelley and Mitchem:

H. J. R. 531. NAMING A NEW PORTION OF COUNTY ROAD 63 NOW UNDER CONSTRUCTION, CONNECTING GRANT, ALABAMA WITH U. S. HIGHWAY 431, IN COMMEMORATION OF ELMER N. WRIGHT.

WHEREAS, Elmer N. Wright was a resident of Marshall County and served his state and community in numerous positions including 25 years of service with the State Health Department, as Vice Chairman of the Marshall County Hospital Board, as Chairman of the County Pensions and Security Board, and also was a member of the DAR High School Board of Trustees, an organizer of the DAR High School Alumni Association, a member of the Grant Lions Club and the VA Sanitarians Department; and

WHEREAS, Mr. Wright further served as Scoutmaster, Democratic beat committeeman, as a member of the County Health Center Committee, the Arab Hospital Committee and the Red Cross executive board; he also was a Red Cross first aid instructor, member of Choccolocco Boy Scout Council and the County Missionary Baptist Executive Board, and was a deacon of the Grant Baptist Church, teacher of the men's Sunday School class, president of the PTA, member of the bloodmobile committee and Grant representative on Alabama Sight, Incorporated; and

WHEREAS, a resolution was passed on June 20, 1973, H. J. R. 83, Act No. 51, by the Alabama Legislature mourning the death of Elmer N. Wright; and

WHEREAS, many of the citizens of Marshall County have expressed their desire, by petition, that the new portion of County Road 63, now under construction in Grant, Alabama be named in honor of Elmer N. Wright, as a lasting and fitting tribute to the memory of this outstanding citizen; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body hereby names and designates the new portion of County Road 63 now under construction in Marshall County, connecting Grant, Alabama with U. S. Highway 431, "The Elmer N. Wright Memorial Drive."

BE IT FURTHER RESOLVED, That the Highway Department is hereby authorized and directed to erect and maintain appropriate signs and markers so designating said new portion of County Road 63.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 531, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Harris:

H. J. R. 532. URGING THE ALABAMA CONGRESSIONAL DELEGATION TO IMMEDIATELY INVESTIGATE THE ANNOUNCED CONSOLIDATION OF MONTGOMERY'S MAXWELL AIR FORCE BASE WITH THE U.S. AIR FORCE TRAINING COMMAND.

WHEREAS, Maxwell Air Force Base in Montgomery, Alabama, has for many years been a major Air Force Command providing professional and continuing education and training for Air Force officers, non-commissioned officers and civilian employees; its major units include the Air War College, Air Command and Staff College, Squadron Officer School, the Civil Air Patrol, Air Force Institute of Technology and the Air Force Reserve Officers Training Corps; and

WHEREAS, the announced consolidation of Maxwell with the U.S. Air Force Training Command, to become effective April 11, 1978, is a decision of radical change and of such gravity as to warrant a complete and thorough investigation, not only as to its impact on the City of Montgomery and the State of Alabama, but on both the short and long-range effect this drastic move might have on our entire nation; such a change might well adversely affect the quality and high standards of the education and training so vitally needed to assure the safety of all our citizens; and

WHEREAS, to consolidate Maxwell's total personnel strength of 8,876 into a command totaling more than 120,000 is considered by citizens of Alabama tantamount to diluting proven and recognized effectiveness and efficiency by stretching responsibility to its limits; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we strongly urge our Alabama Congressional Delegation, both Senators and Representatives, to immediately and thoroughly investigate the proposed changes affecting Maxwell Air Force Base in Montgomery, Alabama, and its impact on our state and nation.

BE IT FURTHER RESOLVED, That the Clerk of the House and the Secretary of the Senate are hereby directed to forward a copy of this resolution to each member of the Alabama Congressional Delegation in Washington, D.C.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 532, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Leonard (with notice and proof):

H. 758. Relating to any county having a population of 500,000 or more, according to the 1970 or any subsequent federal decennial census; providing further for the pay for the chief inspectors of voting boxes within said county.

I hereby certify that this notice & proof is attached to the Bill, H. B. 758, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Messrs. Dial, McCluskey, Shoemaker and Moore (O) (with notice and proof):

H. 978. Relating to Talladega County; to provide for the payment of a 40% supplementary salary to the district judges in Talladega County.

I hereby certify that this notice & proof is attached to the Bill, H. B. 978, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Messrs. Venable and Plaster (with notice and proof):

H. 979. Relating to Elmore County; providing further for the salaries and expense allowances of the deputies of the sheriff's department, and providing payment out of county funds.

I hereby certify that this notice & proof is attached to the Bill, H. B. 979, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Messrs. Roberts, Cross, Martin and Drake (with notice and proof):

H. 976. To revise, amend and reenact Act 762, S. 610 the 1976 Regular Session (1976 Acts, p. 1046) relating to the right of the Morgan County Commission to perform work on public works so as to delete the requirement of submitting a detailed report each six months and to delete the termination date of the provisions of such act.

I hereby certify that this notice & proof is attached to the Bill, H. B. 976, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Messrs. Roberts, Cross, Martin and Drake (with notice and proof):

H. 977. To authorize certain expense allowances for the members of the board of education in Morgan County.

I hereby certify that this notice & proof is attached to the Bill, H. B. 977, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Messrs. Turnham, Ward and Whatley (with notice and proof):

H. 768. To authorize the governing body of Lee County, Alabama, to levy and collect special county privilege and license taxes, generally paralleling the state sales taxes provided for in Division 1 of Article 1 of Chapter 23 of Title 40 of the Code of Alabama of 1975, as amended, and special county excise taxes generally paralleling the state use taxes provided for in Article 2 of Chapter 23 of Title 40 of the Code of Alabama of 1975, as amended; to provide for the ascertainment, collection, payment, distribution and use of the proceeds of the said taxes if levied by the said governing body, and for the enforcement of this act by the State Department of Revenue; to specify the maximum duration for which any such taxes may be levied; to prescribe penalties and fix punishment for violations of this act; and to authorize the governing body of Lee County, Alabama, in its discretion, to call and hold an advisory election on the question of the levy of such taxes, which such election shall not be in any way binding on the said governing body.

I hereby certify that this notice & proof is attached to the Bill, H. B. 768, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Mr. Owens (with notice and proof):

H. 932. To amend Section 6, Act No. 727, H. 1714 of the 1973 Regular Session (Acts 1973, Vol. II, p. 1086), which act regulates the method of compensating certain officers in Bibb County, so as to further regulate the method of compensation for the probate judge for services he renders as chairman of the county commission, and to validate such method retroactively to the effective date of the original act.

I hereby certify that this notice & proof is attached to the Bill, H. B. 932, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Mr. Owens (with notice and proof):

H. 933. Relating to Bibb County; to further amend Act No. 866, H. 1194, Regular Session 1969 (Acts 1969, p. 1577), as amended, which act

provides for compensation and expenses of the sheriff, appointment of deputies, secretaries and jailers, so as to further provide for the salaries and expense allowances of certain members of the sheriff's staff.

I hereby certify that this notice & proof is attached to the Bill, H. B. 933, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 758, 978, 979, 976, 977, 768, 932, and 933 to the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Barron and Harris:

H. 502. To alter, rearrange, extend and fix the boundaries and limits of the City of Montgomery, Alabama; to provide for the assessment of ad valorem taxes in the property added when certain named services are provided; to require the County of Montgomery, Alabama, to maintain streets and roads in such added areas until same is assessed for ad valorem taxes by the City of Montgomery; to require that the provisions hereof shall become effective on January 1, 1980 and only upon approval of the electors of the County residing outside of the territory proposed to be annexed voting at a special referendum election held as hereinafter provided and further only upon approval of the electors residing within the territory proposed to be annexed voting by three separate areas, as hereinafter set out in full, at a special referendum election held as hereinafter provided; if at the said special referendum election the electors of the county residing outside of the territory proposed to be annexed vote in favor of annexation and if the electors residing in any one of the said three areas proposed to be annexed vote in favor annexation then as to such area and only as to such area the provisions hereof shall become effective on the said effective date, and provided further that if the electors residing in any one of the three areas proposed to be annexed vote against annexation regardless of the result of the referendum election held in the county outside of the territory proposed to be annexed then the provisions hereof shall have no further force and effect as to such area voting against annexation; to authorize the City of Montgomery to pay for the expenses of the election and to require the Probate Judge of Montgomery County to conduct the election after due notice thereof as herein provided; to require the Board of Registrars of Montgomery County to prepare poll lists for use at the election.

I hereby certify that this notice & proof is attached to the Bill, H. B. 502, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Mr. McMillan (with notice and proof):

H. 585. To alter or rearrange the boundary lines of the City of Satsuma, Mobile County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory contiguous thereto, in Mobile County, Alabama.

I hereby certify that this notice & proof is attached to the Bill, H. B. 585, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Mr. Waggoner (with notice and proof):

H. 808. To alter and rearrange the boundaries of the municipality of Pelham in Shelby County, so as to include certain territory within the corporate limits of the city.

I hereby certify that this notice & proof is attached to the Bill, H. B. 808, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 502, 585, and 808 to the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Falkenburg (with notice and proof):

H. 651. To make it unlawful and constitute a misdemeanor to build, maintain or use an unsanitary sewage collection, treatment and disposal facility within Jefferson County, but excluding certain plumbing within municipalities and the unincorporated areas of the County; to authorize the Jefferson County Board of Health to adopt rules and regulations for the administration of this Act; to authorize the Jefferson County Board of Health to require the installation of required type and number of facilities; to require the submission of plans and specifications applying to sewage collection, treatment and disposal to the Jefferson County Board of Health; to provide for the approval of plans and specifications and issuance of permits for construction; to require certificates of competency, issued by the Jefferson County Board of Health, before any person, firm or corporation shall install, repair, clean or maintain any on-site wastewater disposal system; to provide

the basis for issuing and revoking such certificates of competency; to require a surety bond to assure compliance with the provisions of this Act and the rules and regulations promulgated hereunder; to repeal all laws in conflict with this Act; and to provide penalties for violation of this Act, and certain rules and regulations.

I hereby certify that this notice & proof is attached to the Bill, H. B. 651, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Mr. Armstrong (with notice and proof):

H. 633. To fix the compensation or salary of the Assistant of the Deputy Tax Assessor of any branch of the Tax Assessor in any county having a population of 600,000 or more according to the last Federal Census or any subsequent Federal Census, and to provide for the payment thereof.

I hereby certify that this notice & proof is attached to the Bill, H. B. 633, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Mr. Armstrong (with notice and proof):

H. 631. To fix the compensation of salary of the Assistant or the Deputy Tax Collector of any branch of the Tax Collector in any county having a population of 600,000 or more according to the last Federal Census or any subsequent Federal Census, and to provide for the payment thereof.

I hereby certify that this notice & proof is attached to the Bill, H. B. 631, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Messrs. White, Falkenburg, Biddle, Harrison, Waggoner, McNair, Hall, Hopping, Leonard, Hilliard, Jolly, Thomas, Gafford, Andrews, and Moore (O) (with notice and proof):

H. 550. To apply in Jefferson County, Alabama, and to authorize the County Board of Health in such county to solicit, receive, hold or dispose of by sale or otherwise any gifts, grants, devises and bequests of money, real estate or any other thing of value and to use Jefferson County Board of Health funds to match or supplement any such gifts, grants, devises and bequests of money, real estate on any other thing of value to carry out the purpose or purposes for which any such gifts, grant, devise or bequest of money, real estate or other thing of value was given or granted; to further authorize said Board to purchase, sell or exchange any real or personal property needed to carry out the functions of said Board.

I hereby certify that this notice & proof is attached to the Bill, H. B. 550, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 651, 633, 631, and 550. To the Committee on Local Legislation No. 2.

BILLS ON THIRD READING RESUMED

The Bill:

S. 509. To provide for all probate judges paid on a salary basis an additional expense allowance in an amount sufficient to maintain their total compensation equal to not less than ninety percent (90%) of that paid to the highest paid circuit court judge until the expiration of the present term of office of each such individual probate judge; to provide that upon the expiration of the present term the total salary and compensation paid such officer shall be not less than ninety percent (90%) of the total annual compensation, payable from state and county funds, to the presiding circuit court judge in the county he serves; to provide that the expense allowance and the compensation established herein shall be paid from the county funds, on the same proportionate basis as is the salary for the probate judge now provided by law; and to exempt from the provisions of this act any probate judge paid on a fee basis until such time as he is put on a salary basis.

was taken up.

On motion of Mr. Owen, further consideration of the Bill, S. B. 509, was postponed temporarily.

The Bill:

S. 243. To prescribe the annual salary of the Commissioner of Agriculture and Industries and to provide for the effective date of this Act.
was taken up.

Mr. Peden offered the following amendment to the Bill, S. B. 243, to wit:

AMENDMENT TO S. B. 243

Amend Senate Bill No. 243, Page 1, Line 21, by striking out Forty-Five Thousand Dollars (\$45,000.00) after the word "be" and inserting in lieu thereof the following language: "Thirty-Five Thousand Dollars (\$35,000.00)."

On motion of Mr. Gilmore, said amendment was laid on the table.

Yeas 18; Nays 6; Abstaining 1.

Yeas:

Messrs. Adams, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Little, McMillan, Mitchell, Noonan, Owen, Perloff, Proctor, Roberts, Shelby, Teague, Vacca.

Nays:

Messrs. Baker, Edwards, McDonald (A), Peden, Powell, Waldrop. —6

Abstaining: Mr. Mims —1

Mr. Higginbotham offered the following amendment to the Bill, S. B. 243, to-wit:

AMENDMENT TO S. B. 243

Amend Senate Bill No. 243, Page 1, Line 21, by striking out Forty Five Thousand Dollars (\$45,000.00) after the word "be", and substitute Forty Thousand Dollars (\$40,000.00) in lieu thereof.

Which was adopted.

Yeas 19; Nays 7; Abstaining 1.

Yeas:

Edwards, Ellis, Goodwin, Higginbotham, King, Little, McDonald (A), Mitchell, Noonan, Peden, Perry, Powell, Roberts, St. John, Shelby, Teague, Vacca, Waldrop, Wilson.

—19

Nays:

Messrs. Fine, Foshee, Gilmore, McMillan, Owen, Perloff, Proctor. —7

Abstaining: Mr. Mims —1

Mr. Wilson offered the following amendment to the Bill, S. B. 243, as amended, to-wit:

AMENDMENT TO S. B. 243 AS AMENDED

Amend Senate Bill No. 243, Page 1, Line 26, by inserting after the word thereto, the following sentence: "There is hereby added an additional expense allowance of \$25.00 a day for the members of the Alabama Legislature.

Which was lost.

Yeas 2; Nays 26.

Yeas: Messrs. Waldrop and Wilson. —2

Nays:

Messrs. Adams, Baker, Bank, Edwards, Fine, Foshee, Gilmore, Higginbotham, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, Proctor, St. John, Shelby, Teague, Vacca.

—26

And said Bill, S. B. 243, as thus amended, was read a third time at

length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 29; Nays 3; Abstaining 1.

Yeas:

Messrs. Adams, Bank, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, King, McDonald (A), McDonald (S), McMillan, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Waldrop, Wilson.

—29

Nays: Messrs. Baker, Jones, Little.

—3

Abstaining: Mr. Mims

—1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr Owens (with notice and proof):

H. 934. Relating to Bibb County; to authorize the county governing body of said county to pay a certain monthly expense allowance for the Secretary of the Bibb County Board of Equalization for work performed in the statewide property reappraisal program for ad valorem tax purposes.

I hereby certify that this notice & proof is attached to the Bill, H. B. 934, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Mr. Owens (with notice and proof):

H. 935. Relating to Bibb County; to provide for the levy and collection of an additional five mill ad valorem tax outside the corporate limits of the incorporated municipalities of the county for water, sewer and fire protection purposes in the affected area; and to provide for a referendum election by the electors of the county.

I hereby certify that this notice & proof is attached to the Bill, H. B. 935, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Mr. Sonnier (with notice and proof):

H. 970. Relating to Mobile County, to allow the sale of wines at retail

at any time except Sundays, and to make the covering of table wines on Sundays optional.

I hereby certify that this notice & proof is attached to the Bill, H. B. 970, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Mr. Sonnier (with notice and proof):

H. 761. Relating to the City of Mobile; to amend the title and Sections 2, 4 and 5 of Act No. 421, 1971 Regular Session (Acts of 1971, p. 1153), so as to provide preservation districts.

I hereby certify that this notice & proof is attached to the Bill, H. B. 761, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Mr. McCulley (with notice and proof):

H. 919. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Citronelle in Mobile County.

I hereby certify that this notice & proof is attached to the Bill, H. B. 919, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Mr. Callahan (with notice and proof):

H. 921. To apply in Mobile County, Alabama, and to authorize the County Board of Health in such county to solicit, receive, hold, use and dispose of, by sale or otherwise, any gifts, devises, bequests of money, real estate, personalty or other things of value; to match or supplement such property or use same for matching purposes in carrying out and funding its activities; to further authorize such Board of Health to utilize its funds to purchase, lease or hold any real or personal property needed in carrying out its functions, to control such property belonging to the Board of Health, and to lease, sell, convey or exchange any real or personal property, or portions thereof, no longer needed or utilized by the Board of Health in carrying out its functions in the field of public health.

I hereby certify that this notice & proof is attached to the Bill, H. B. 921, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 934, 935, 970, 761, 919, and 921. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 182. To redivide the state into judicial circuits so as to create a Thirty-ninth Judicial Circuit consisting of Limestone County, to create the offices of circuit judge and district attorney in such circuit and provide for appointment to fill certain vacancies; to provide further for salary supplements and expense allowances for certain officers; for these purposes, to amend Code of Alabama 1975, Section 12-11-2; and to make an appropriation for operation of the new circuit.

JOHN W. PEMBERTON,
Clerk.

FURTHER CONSIDERATION OF S. B. 509

The Senate proceeded to further consideration of the Bill, S. B. 509.

Mr. Bank offered the following substitute for the Bill, S. B. 509, to-wit:

SUBSTITUTE FOR S. B. 509

A BILL TO BE ENTITLED AN ACT

To provide for a minimum salary of compensation of probate judges in the various counties on a population basis.

Be It Enacted by the Legislature of Alabama:

Section 1. The salary or compensation of the probate judges of the various counties that are not on the fee system shall be not less than the following amount according to the population of the county as follows:

Population	Salary
0 to 20,000	\$20,000
20,000 to 40,000	22,500
40,000 to 80,000	25,000
80,000 to 100,000	27,500
100,000 to 150,000	32,500
150,000 and over	35,000

The above minimum compensation shall be the total compensation inclusive of salary and expense allowances.

Section 2. The provisions of this act shall not affect the compensation of

probate judges of counties where said judges are compensated on the basis of the fee system. Provided, however, that in such counties where the fee system is abolished, said minimum salaries shall become effective immediately in those counties authorized by the Constitution to make such increased compensation effective immediately.

Section 3. In those counties where the legislature may not alter the fees, commissions, allowances or salaries to be received by the probate judge during his current term of office, the provisions of this act shall become effective during the next term of office commencing after the passage of this act.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Mr. Baker offered the following amendment to the substitute for the Bill, S. B. 509, to-wit:

AMENDMENT TO SUBSTITUTE FOR S. B. 509

Amend Senate Bill No. 509, Page 1, Line 27 and 28, by striking out the figures 40,000 and by inserting the figure 45,000 in lieu thereof.

Which was adopted.

Mr. Pearson offered the following amendment to the substitute, as amended, for the Bill, S. B. 509, to-wit:

**AMENDMENT TO SUBSTITUTE
AS AMENDED FOR S. B. 509**

Amend substitute for Senate Bill No. 509, Page 1, Line 32 & 33 by striking out the following words after the word be "the total compensation inclusive of salary & expense allowances" and adding the words "the base salary."

Which was adopted.

Mr. Waldrop offered the following amendment to the substitute, as amended, for the Bill, S. B. 509, to-wit:

**AMENDMENT TO SUBSTITUTE
AS AMENDED FOR S. B. 509**

Amend S. B. 509 by adding the following Section 5 to the end of the bill, viz:

Section 5. The provisions of this act shall not apply to Cherokee County unless the county commission of the county shall elect to come under the provisions hereof by majority vote of the commission.

On motion of Mr. Bank, said amendment was laid on the table.

Mr. Bank offered the following amendment to the substitute, as amended, for the Bill, S. B. 509, to-wit:

**AMENDMENT TO SUBSTITUTE
AS AMENDED FOR S. B. 509**

Amend substitute for Senate Bill No. 509, by adding new section 5.

AMENDMENT TO SUBSTITUTE

"Section 5: The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains."

Which was adopted.

Mr. St. John offered the following amendment to the substitute, as amended, for the Bill, S. B. 509, to-wit:

AMENDMENT TO SUBSTITUTE
AS AMENDED FOR S. B. 509

Amend Bank substitute for Senate Bill No. 509, Page 2, Line 8, by inserting after the word "immediately." the following sentence: "The provisions of this act shall not affect those probate judges who are not by law the chairman of the county governing body."

On motion of Mr. Bank, said amendment was laid on the table.

Yeas 15; Nays 11.

Yeas:

Messrs. Adams, Baker, Bank, Fine, Foshee, Goodwin, Higginbotham, Little, Mims, Owen, Pearson, Perry, Powell, Proctor, Shelby.

—15

Nays:

Messrs. Edwards, Jones, McDonald (A), Mitchell, Noonan, Peden, Roberts, St. John, Teague, Waldrop, Wilson.

—11

Mr. McDonald (S) offered the following amendment to the substitute, as amended, for the Bill, S. B. 509, to-wit:

AMENDMENT TO SUBSTITUTE
AS AMENDED FOR S. B. 509

Amend Senate Bill No. 509, Page 1, Line 36, by removing the period and adding after the word "system" the following: "or the salary of a probate judge whose salary is now set at an amount in relation to the salary of a circuit judge in the same city."

Which was adopted.

Mr. St. John then offered the following amendment to the substitute, as amended, for the Bill, S. B. 509, to-wit:

AMENDMENT TO SUBSTITUTE
AS AMENDED FOR S. B. 509

Amend Senate Bill No. 509, Page 1, Line 21, by inserting after the word "Section 1." the following: "If approved by the county governing body,"

Which was adopted.

Mr. Edwards offered the following amendment to the substitute, as amended, for the Bill, S. B. 509, to-wit:

AMENDMENT TO SUBSTITUTE
AS AMENDED FOR S. B. 509

Amend Senate Bill No. 509, as substituted, Page 1, Line 23, by inserting after the words "fee system shall" the following language: ", unless a higher salary is otherwise fixed by law,".

Which was adopted.

And said substitute, as thus amended, for the Bill, S. B. 509, was adopted by the Senate.

Yeas 29; Nays 3.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Foshee, Goodwin, Higginbotham, King, Little, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Waldrop.

—29

Nays: Messrs. Edwards, McDonald (A), Wilson.

—3

And said Bill S. B. 509, as thus amended by the substitute, was read a third time at length and passed.

Yeas 28; Nays 3.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Foshee, Goodwin, Higginbotham, King, Little, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Waldrop.

—28

Nays: Messrs. Edwards, McDonald (A), Wilson.

—3

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 17. CONGRATULATING PHENIX CITY ON WINNING THE ALABAMA DIZZY DEAN BASEBALL TOURNAMENT.

Also:

H. J. R. 18. MOURNING THE DEATH OF HAROLD S. COULTER OF PHENIX CITY, ALABAMA.

Also:

H. J. R. 52. COMMENDING WALTER WELLBORN HIGH SCHOOL FOR PARTICIPATION IN THE 3-A FOOTBALL FINALS FOR THE STATE CHAMPIONSHIP.

Also:

H. J. R. 94. COMMENDING MR. F. D. "ROB" ROBINSON FOR MERITORIOUS SERVICE.

Also:

H. J. R. 484. CONGRATULATING NORTH BIRMINGHAM'S G. W. CARVER HIGH SCHOOL, 1978 STATE 4A BASKETBALL CHAMPIONS.

Also:

H. J. R. 485. CONGRATULATING STUDENTS OF G. W. CARVER HIGH SCHOOL, NORTH BIRMINGHAM, NAMED TO THE ALL-CITY HIGH SCHOOL SCHOLASTIC BASKETBALL SQUAD.

Also:

H. J. R. 486. CONGRATULATING STUDENTS OF C. W. HAYES HIGH SCHOOL, AVONDALE, NAMED TO THE ALL-CITY HIGH SCHOOL SCHOLASTIC BASKETBALL SQUAD.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed for the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 105. To amend further Section 1 of Act No. 387, H. 969, Regular Session 1969 (Acts 1969, p. 764), as amended by Act No. 298, H. 720, Regular Session 1971 (Acts 1971, p. 602), which act provides for the issuance of pistol permits in certain counties classified on a population basis; so as to increase the cost of said pistol permits.

Also:

H. 218. Providing for the establishment of a merit system for the Sheriff's Department of DeKalb County, Alabama, and a Merit System Board governing the removal and official conduct of employees of such department; defining violations of the act; imposing penalties for violations; and repealing conflicting laws.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a

quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 94. To re-enact Act No. 703 enacted at the 1976 Regular Session of the Legislature of Alabama and to amend the Title and Sections 1, 3, 4, 6 and 8 thereof, to add a new Section 7 and to re-number subsequent sections accordingly; to increase the aggregate principal amount of revenue bonds therein authorized to be issued by the Alabama State Docks Department, to increase the maximum amount of and otherwise provide for the special processing charge therein created to pay the principal of and interest on the revenue bonds authorized therein, and to provide for the sale and issuance by the Department of refunding bonds.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Kinsey:

H. J. R. 535. NAMING THE I-10 BRIDGE OVER MOBILE BAY, "JUBILEE PARKWAY."

WHEREAS, the Eastern Shore Chamber of Commerce recently conducted a "Name that Bridge" Contest among the children of eleven schools of the Eastern Shore of Mobile Bay, receiving some 2,000 entries; and

WHEREAS, the suggested names were screened by eleven judges representing the participating schools; the entries submitted by those declared finalists were then presented to and judged by a Blue Ribbon Panel which represented an even wider interest in Baldwin County; and

WHEREAS, the winning name was "Jubilee Parkway," the entry of Loretta Green and of Marty Parker, both students from Christ the King School; and

WHEREAS, it is the desire of the Eastern Shore Chamber of Commerce, the school children and the citizens of the Eastern shore of Mobile Bay that the I-10 bridge over Mobile Bay be named, "Jubilee Parkway"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body hereby names and designates the I-10 bridge over Mobile Bay, "Jubilee Parkway."

BE IT FURTHER RESOLVED, That the State Highway Department in cooperation with the Federal Bureau of Roads shall cause appropriate signs and markers to be erected and maintained, designating said bridge as "Jubilee Parkway."

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Fine, the Rules were suspended and the Resolution, H. J. R. 535, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Owens and Smith (C):

H. J. R. 543. NAMING THE DULY APPOINTED "LIVE IN A LANDMARK" COUNCIL MEMBERS AS THE BOARD OF DIRECTORS; AUTHORIZING STATE AND REGIONAL COUNCILS TO ELECT OFFICERS AND SELECT BOARD MEMBERS; AUTHORIZING THE "LIVE IN A LANDMARK" COUNCIL TO DISTRIBUTE TECHNICAL MATERIAL AND PLAQUES; ENCOURAGING THE "LIVE IN A LANDMARK" COUNCIL TO ACCEPT MEMBERSHIPS IN EVERY COUNTY IN ALABAMA.

WHEREAS, the state "Live in a Landmark" Council, created by Act No. 1233, Regular Session, 1973, and strengthened by Act No. 205, Third Special Session, 1975, continues to do good work rehabilitating and revitalizing Alabama's older and historic neighborhoods, communities and rural landmarks; and

WHEREAS, there is a demonstrated need to establish a board of directors composed of the duly appointed "Live in a Landmark" Council members to guide a growing statewide "Live in a Landmark" program; and

WHEREAS, every region of Alabama has hundreds of residents living in older neighborhoods and communities where regional councils with officers and board members elected by local membership would well serve the interests of the state; and

WHEREAS, the Alabama Register of Landmarks and Heritage has become the official record of registered residential landmarks in the state; and

WHEREAS, technical manuals and materials greatly assist those who are beginning restoration, and the prestigious "Live in a Landmark" plaques add distinctive charm to restored homes which appeal to tourists and residents alike, now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the "Live in a Landmark" Council continue to work with the Alabama Historical Commission to create whatever organizational structures will best restore, preserve and revitalize our older neighborhoods and communities.

BE IT FURTHER RESOLVED, That the "Live in a Landmark" Council and the Alabama Historical Commission distribute the technical materials and the plaques on a cost basis to those who affiliate with the state and regional councils.

RESOLVED FURTHER, That the duly appointed "Live in a Landmark" Council members be named as the Board of Directors; that state and regional Councils be authorized to elect officers and select board members; and that the "Live in a Landmark" Council be encouraged to accept memberships in every county in Alabama.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 543, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Carter:

H. J. R. 534. COMMENDING MISS DEBORAH ANN KELLEY, MISS ALABAMA NATIONAL TEENAGER.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 534, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING RESUMED

The Bill:

S. 546. Proposing an amendment to the Constitution of Alabama relating to public retirement systems, to prohibit increased benefits under retirement plans which are funded in whole or in part by public funds unless increased funding has been provided; to require the legislature to annually appropriate the necessary funds and prescribe member contributions for all retirement systems operated by the state; and to prohibit the diversion of assets of funds from public retirement systems.

was taken up.

On motion of Mr. Pearson further consideration of the Bill, S. B. 546, was postponed until next Legislative Day as unfinished Business.

MOTION TO RECONSIDER

Mr. Waldrop moved that the Senate reconsider the vote by which the Bill, S. B. 509, was passed, which motion was lost.

BILLS ON THIRD READING RESUMED

The Bill:

S. 371. To amend Section 39-2-12, Code of Alabama 1975, as amended, relating to payments to contractors on public works contracts so as to provide for an alternate escrow procedure for amounts withheld as retainage under such contracts, and to provide for the conditions under which such an escrow procedure may be utilized.

was taken up.

Mr. Teague offered the following amendment to the Bill, S. B. 371, to-wit:

AMENDMENT TO S. B. 371

Amend page 2, line 26 to read as follows: "the State of Alabama or Savings and Loan Associations domiciled in the State of Alabama may serve as an escrow agent."

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Foshee, Goodwin, Jones, King, Little, McMillan, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, St. John, Shelby, Teague, Vacca, Waldrop.

—24

Nays:

—0

And said Bill, S. B. 371, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

Yeas:

Messrs. Adams, Ellis, Fine, Foshee, Goodwin, Jones, King, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Proctor, St. John, Shelby, Teague, Vacca.

—21

Nays:

—0

The Bill:

S. 430. To provide for the establishment of a reserve state trooper

force and places said reserve state troopers under the direction of the director of the Department of Public Safety or a member of the Alabama State Troopers and provides said reserve state troopers with the authority to carry firearms and provides insurance coverage and provides for travel expenses to be paid by the Department of Public Safety.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 0.

Yeas:

Messrs. Adams, Edwards, Ellis, Fine, Foshee, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, St. John, Shelby, Teague, Vacca, Waldrop.

—26

Nays:

—0

The Bill:

S. 159. To amend Section 2 of Act 281, H. 295, Special Session, 1966 (Title 52, Section 622(5)), which is the Alabama Educational Benefits for the Dependents of Blind Parents Act, so as to increase the amount of family income allowed in a family where the head of the household is blind for dependents to be eligible for educational benefits at institutions of higher learning.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 28; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Foshee, Goodwin, Higginbotham, Jones, King, Little, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Peden, Perry, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Waldrop.

—28

Nays:

—0

Mr. Ellis requested and received unanimous consent that the names of the entire membership of the Senate be added as co-sponsors of the above Bill.

The Bill:

S. 314. To amend Section 34-24-75 of the Code of Alabama, 1975, so as to provide for the issuing of limited certificates of qualification to practice medicine without examination to physicians enrolled in approved residency training programs.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 27; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Goodwin, Higginbotham, Jones, King, Little, McMillan, Mims, Mitchell, Noonan, Owen, Peden, Perry, Powell, Proctor, St. John, Shelby, Teague, Vacca, Waldrop.

—27

Nays:

—0

MOTION TO ADJOURN LOST

At 5:15 P.M., Mr. Baker moved that the Senate adjourn until Thursday, March 30, 1978, at 11 o'clock A.M., which motion was lost.

Yeas 7; Nays 17.

Yeas:

Messrs. Adams, Baker, Edwards, Fine, King, St. John, Waldrop.

—7

Nays:

Messrs. Bank, Clemon, Foshee, Goodwin, Higginbotham, Jones, Little, McMillan, Mims, Mitchell, Owen, Peden, Perry, Shelby, Teague, Vacca, Wilson.

—17

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Callahan:

H. J. R. 544. Be it resolved by the Legislature of Alabama, both houses thereof concurring, that House Joint Resolution 535, naming the Interstate Highway across Mobile Bay, is hereby rescinded.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Owen, the Rules were suspended and the Resolution, H. J. R. 544, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

S. 160. To amend further Section 3 of Act No. 47, H. 29, Regular Session 1951, (Acts of 1951, p. 259), as last amended, which relates to the provision of educational benefits to certain disabled veterans; to dependents and survivors of disabled veterans; and to dependents and survivors of deceased servicemen or veterans so as to further regulate the granting of such benefits.

was taken up.

Mr. Teague offered the following substitute for the Bill, S. B. 160, to-wit:

SUBSTITUTE FOR S. B. 160

A BILL
TO BE ENTITLED
AN ACT

To amend Section 31-6-6 of the Code of Alabama 1975, so as to provide that the wife or child of any veteran who received a 20 to 90 percent disability in World War II shall be entitled to receive all of the benefits provided for in this section.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 31-6-6 of the Code of Alabama 1975, is hereby amended to read as follows:

"§ 31-6-6. (a) The wife and children of any veteran who is suffering from 40 to 90 percent service-connected disability brought about from service in the armed forces of the United States, or the widow and children of a deceased veteran who was suffering from 40 percent or more of service-connected disabilities at the time of his death, provided such disabilities as are mentioned herein are incurred from military service during any of the dates and circumstances specified in section 31-6-4, as established by the state department of veterans' affairs, shall be entitled to the following educational advantages and opportunities:

"(1) The wife or widow, as the case may be, shall be entitled to up to 18 months of schooling or the equivalent of 18 months if enrolled part time, in any Alabama state-supported institution of higher learning, college or university, or to a prescribed course in any Alabama state-supported trade school without the payment of any tuition, fee or books. One change of program will be allowed without counseling. It is provided, however, that all training received at state institutions of higher learning or state trade schools under the provisions of this subdivision must be completed within a period of six years after the beginning date of such two-year course or such prescribed course.

"(2) Each child of such disabled veteran shall be entitled to four standard academic years, not to exceed nine months each attendance, or the equivalent of 36 months if enrolled part time, in any Alabama state-supported institution of higher learning, college or university, or to a prescribed course at an Alabama state-supported trade school. If the course of training at the trade school does not require the full time to which such child is entitled hereunder, then the remaining entitlement may be taken in a state-supported college or university only, without payment of any tuition, fees or books. One change of program will be allowed without counseling. Training under this subdivision must be initiated prior to the child's twenty-sixth birthday, and must be completed within eight years after its initiation, except for delays caused by military service during the training period, and in no case may training be received under this section beyond the thirty-fourth birthday of such child.

"(b) The benefits provided under this section shall be available in addition to federal government benefits. Any child, wife or widow who was denied full entitlement, 18 or 36 months, whichever the case may be, shall have the remainder of their entitlement reinstated under this chapter.

"(c) Provided, however, that the wife or child of any veteran who received a 20 to 90 percent disability in World War II, shall be entitled to receive all of the benefits provided for in this section."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Merrill:

H. 245. To make annual appropriations for the support, maintenance, and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1979.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 245. To the Committee on Finance and Taxation.

ADJOURNMENT

At 5:20 P.M., on motion of Mr. Perry, pending further consideration of S. B.'s 546 and 160, the Senate adjourned until Thursday, March 30, 1978, at 2 o'clock P.M.

TWENTY-THIRD LEGISLATIVE DAY

THURSDAY, MARCH 30, 1978

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

PRAYER

The Session was opened with prayer by the Reverend Oliver Scott, Pastor, Dexter Avenue United Methodist Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A),

McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—35

JOURNAL

On motion of Mr. Powell, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-second Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

U. W. CLEMON,
Chairman.

COMMITTEE REPORT

On motion of Mr. Clemon, the foregoing report was concurred in and the Journal of the Senate for the Twenty-second Legislative Day was approved by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Barron, Gafford, Jackson (R), Morris, Clark, Folmar, Smith (J), Langford, Lockett, Hill, Moore (O), Tucker, Taylor, Hall, Biddle, Waggoner, McNees, Falkenburg, Trammell, Plaster, Venable, Cates, Smith (M), Baker, Turnham, Carothers, Williams, Sasser, Robertson, Holley, Whatley, Warren, Ford, Greer, Starkey, Smith (B), Gregg, Albright, Reed, McNair, Crawford, Holmes (A), Wyatt, Owens, Jackson (F), Campbell, Shelton, Glass, Harris, Cooper, Younce, Shoemaker, Boles, Weeks, Kelley, Towns, Callahan, Lee, Johnson, White, Pegues, Howard, Andrews, Leonard, Hopping, Hilliard, Jolly, Lutz, Martin, Crowe, Drake, Manley, Merrill, Holmes (D), Kennedy, Dial, Buskey, Sandusky, Sonnier, Hines, McMillan and Thomas:

H. 824. To provide for the termination of alimony under a decree of divorce upon proof that the spouse receiving such alimony has remarried or that such spouse is living openly or cohabiting with a member of the opposite sex.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 824. To the Committee on Rules.

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 421

The following bills shall be the paramount and continuing order of business for the 23rd legislative day only, upon reaching bills on third reading, taking precedence thereafter over all other business for said day:

BILL NO.	DESCRIPTION
S. B. 194	Cemetery regulations
S. B. 207	American Legion
S. B. 554	18th Judicial Circuit
S. B. 144	Names armory
S. B. 360	Retirement homes
H. B. 854	Poll list
S. B. 342	Criminal procedure
S. B. 343	Criminal law
S. B. 598	Ardmore Welcome Center
S. B. 214	Dauphin Island
S. B. 387	Alabama A & M
S. B. 112	Department of Public Safety
S. B. 234	Sports Hall of Fame
S. B. 284	Corporate take-overs
S. B. 231	Commercial feed
S. B. 496	Indian Affairs
S. B. 200	Investment Committee
S. B. 453	Highway Department
S. B. 454	Highway Department
S. B. 455	Highway Department
S. B. 456	Highway Department
S. B. 301	Holding companies
S. B. 378	Voter registration

S. B. 627	Cities
S. B. 478	Cities
S. B. 162	License tags
S. B. 4	Constitutional amendment
S. B. 358	Creates Board
S. B. 285	

On motion of Mr. Clemon, the Resolution was adopted by the Senate.

MOTION TO ADJOURN

Mr. McDonald (S) moved that when the Senate adjourns today, it adjourn to meet on Tuesday, April 4, 1978, at 2 o'clock P.M., which motion was adopted.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, respectively, and finds same correctly engrossed, to-wit:

S. 509. To provide for a minimum salary or compensation of probate judges in the various counties on a population basis.

U. W. CLEMON,
Chairman.

RESOLUTION

Mr. Fine offered the following Senate Joint Resolution, to-wit:

S. J. R. 422. PROVIDING A COMMON DATE FOR HOLDING ELECTIONS ON ALL CONSTITUTIONAL AMENDMENTS PROPOSED AT THE 1978 REGULAR SESSION OF THE LEGISLATURE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That an election upon all constitutional amendments proposed by an act of the 1978 Regular Session of the Alabama Legislature is ordered to be held on September 26, 1978.

On motion of Mr. Fine, the Rules were suspended and the Resolution was adopted by the Senate.

UNFINISHED BUSINESS BILLS ON THIRD READING

The Senate proceeded to further consideration of the Unfinished Business for today, the first item of which was the Bill:

S. 160. To amend further Section 3 of Act No. 47, H. 29, Regular Session 1951, (Acts of 1951, p. 259), as last amended, which relates to the provision of educational benefits to certain disabled veterans; to dependents

and survivors of disabled veterans; and to dependents and survivors of deceased servicemen or veterans so as to further regulate the granting of such benefits.

The question was on the substitute offered by Mr. Teague, which said substitute is set out in the *Journal of the Senate* for the Twenty-second Legislative Day.

And said substitute was then adopted by the Senate.

Yeas 26; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Higginbotham, Jones, King, Little, McDonald (S), McMillan, Mims, Noonan, Owen, Pearson, Peden, Perloff, Powell, Roberts, St. John, Shelby, Stewart, Teague.

—26

Nays:

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Mr. Shelby offered the following amendment to the Bill, S. B. 160, as amended by the substitute, to-wit:

AMENDMENT TO S. B. 160, AS AMENDED

Amend Senate Bill No. 160 Page 1 Line 36, by striking out the word "twenty" after the word "from" and inserting in lieu thereof the word "ten".

On motion of Mr. Teague, said amendment was laid on the table.

Mr. Mitchell offered the following substitute for the Bill, S. B. 160, as amended, to-wit:

A BILL TO BE ENTITLED AN ACT

To amend Sections 31-6-4, 31-6-5, and 31-6-6 of the Code of Alabama 1975, relating to the educational benefits for the children and the wives and widows of deceased or totally disabled veterans, to extend those benefits to the children or the wives or widows of all veterans whose death or permanent disabilities are service-connected; and to provide further for the requisite extent of disability for the granting of benefits to wives and children of disabled World War II veterans. BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 31-6-4, 31-6-5 and 31-6-6 of the Code of Alabama 1975 are hereby amended to read as follows:

"§ 31-6-4. Any child whose father or mother:

"1) Was killed or died in line of duty or is listed as missing in action or whose death or permanent total disabilities were service-connected while serving as a member of the armed forces between the dates of April 7, 1917, and November 11, 1918, as to World War I, and December 7, 1941, and December 31, 1946, as to World War II, or at any time after December 31, 1946, and prior to June 27, 1950, if such service has been ruled extrahazardous, June 27, 1950, and January 31, 1955, as to the Korean conflict, or at any

time after January 31, 1955, and prior to August 5, 1964, if such service has been ruled extrahazardous, or at any time after August 4, 1964, but before the end of the Vietnam War period as determined by the President or the congress of the United States, or at any time thereafter if such service has been ruled extrahazardous; or

"(2) Died from a disability incurred from military service during any of the above periods and circumstances specified in subdivision (1) of this section, as established by the state department of veterans' affairs, after having been discharged under conditions other than dishonorable and after having served at least 90 days consecutively in the armed forces prior to and/or subsequent to the date on which such disability occurred, or who was honorably discharged by reason of wartime, service-connected disability after serving less than 90 days; or

"(3) Has been assigned 100 percent permanent or total disabilities rated by the United States veterans' administration, or was discharged or retired from the armed forces with a 40 percent or more disability and maintained that percentage (such person to be deemed to be a disabled veteran) may attend any Alabama state institution of higher learning, college or university for a period of four standard academic years of nine months each, not to exceed 36 months or the equivalent of 36 months if enrolled part time, without paying any tuition, fees or books whatsoever for such college or university attendance, or any such child may take a prescribed course in any Alabama state trade school for the length of any prescribed course of study of his or her choosing, and if such course does not require the full 36 months, then training for the remainder of such 36 months' entitlement may be taken at a state-supported college or university only, without the payment of any tuition, fees or books whatsoever. Training under this section must be initiated prior to the child's twenty-sixth birthday, and must be completed within eight years after its initiation, except for delays caused by military service during the training period, and in no case may training be received under this chapter beyond the thirty-fourth birthday of such child. A child whose father or mother is a prisoner of war while serving as a member of the armed forces in the Vietnam War period, as defined herein, may receive training under this chapter.

"§ 31-6-5. Any wife or widow whose husband, during their marriage:

"(1) Was killed or died in the line of duty or is listed as missing in action or as a prisoner of war while serving as a member of the armed forces during any of the periods and circumstances specified in subdivision (1) of section 31-6-4;

"(3) Died from a disability incurred from military service during any of the periods and circumstances specified in subdivisions (1) and (2) of section 31-6-4; or

"(3) Is 100 percent permanently and totally disabled, whose permanent and total disabilities were service-connected and incurred during the periods or under circumstances specified in section 31-6-4; shall be entitled to training in any Alabama state-supported college or university for a period of four standard academic years of nine months each, not to exceed 36 months or to training for the equivalent of 36 months if enrolled part time or to training in a prescribed course in a state-supported trade school, and if such course does not require the full 36 months, then training for the remainder of such 36 months' entitlement may be taken at a state-supported college or university only, without the payment of any tuition, fees or books, whatsoever. One

change of program will be allowed without counseling. A wife shall be eligible for these benefits only during the period in which her husband is listed as missing in action or is serving as a prisoner of war. It is provided, however, that in order for such wife or widow to be eligible for the benefits receivable under this section, she must, except where unable to do so because of circumstances beyond her control, begin her educational training within 10 years after September 19, 1973, or within five years after the death of the veteran, whichever occurs later. All training received under this section must be completed within eight years after the beginning date of the four-year course. This section shall not apply to the widow of any such deceased serviceman or veteran who has remarried prior to applying for and obtaining educational benefits under this section, and should any such widow of such deceased serviceman or veteran remarry during time she is in attendance upon any schools, colleges or universities mentioned in this section, then she shall pay tuition and fees for her course of study or attendance upon such school, college or university from the time of her remarriage. The benefits provided under this section shall be in addition to federal government benefits.

"§ 31-6-6. (a) The wife and children of any veteran who is suffering from 40 to 90 percent service-connected disability brought about from service in the armed forces of the United States, or the widow and children of a deceased veteran who was suffering from 40 percent or more of service-connected disabilities at the time of his death, provided such disabilities as are mentioned herein are incurred from military service during any of the dates and circumstances specified in section 31-6-4, as established by the state department of veterans' affairs, shall be entitled to the following educational advantages and opportunities:

"(1) The wife or widow, as the case may be, shall be entitled to up to 18 months of schooling or the equivalent of 18 months if enrolled part time, in any Alabama state-supported institution of higher learning, college or university, or to a prescribed course in any Alabama state-supported trade school without the payment of any tuition, fee or books. One change of program will be allowed without counseling. It is provided, however, that all training received at state institutions of higher learning or state trade schools under the provisions of this subdivision must be completed within a period of six years after the beginning date of such two-year course or such prescribed course.

"(2) Each child of such disabled veteran shall be entitled to four standard academic years, not to exceed nine months each attendance, or the equivalent of 36 months if enrolled part time, in any Alabama state-supported institution of higher learning, college or university, or to a prescribed course at an Alabama state-supported trade school. If the course of training at the trade school does not require the full time to which such child is entitled hereunder, then the remaining entitlement may be taken in a state-supported college or university only, without payment of any tuition, fees or books. One change of program will be allowed without counseling. Training under this subdivision must be initiated prior to the child's twenty-sixth birthday, and must be completed within eight years after its initiation, except for delays caused by military service during the training period, and in no case may be training be received under this section beyond the thirty-fourth birthday of such child.

"(b) The benefits provided under this section shall be available in addition to federal government benefits. Any child, wife or widow who was denied

full entitlement, 18 or 36 months, whichever the case may be, shall have the remainder of their entitlement reinstated under this chapter.

"(c) Provided, however, that this wife or child of any veteran who received a 20 to 90 percent disability in World War II, shall be entitled to receive the benefits provided in this section."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 28; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Mitchell, Noonan, Owen, Pearson, Perry, Powell, Proctor, St. John, Shelby, Teague, Vacca, Wilson.

—28

Nays:

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And said Bill, S. B. 160, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 27; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Foshee, Goodwin, Higginbotham, Jones, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Powell, Proctor, St. John, Shelby, Stewart, Teague, Waldrop.

—27

Nays:

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MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Carothers:

H. 152. To provide bidding procedures and contents thereof in connection with the licensing of motion pictures, to provide that once bids are solicited, the distributor may license the picture only by bidding, to prohibit the practice of "blind bidding" and to provide penalties for violation of this Act, including damages and attorney fees.

Also:

By Messrs. Williams, Carothers, Folmar, Crawford, Baker, Turnham, Gafford, Riddick, Moore (O), McCulley, Manley, Falkenburg, Lutz, Moore (W), Starkey, Killian, Coburn, Trammell, Waggoner, Carter, Jolly, Cooper, Armstrong, Younce, Howard, Venable, McMillan, Martin,

Cates, Jackson (F), Biddle, McNees, Naramore, Sasser, Campbell, Drake, Plaster, White, Jackson (R), Pegues, Holmes (D), Wyatt, Barron, Buskey, Sonnier, Callahan and Andrews:

H. 118. To amend further Chap. 6, Section 2, Title 32, Code of Alabama as amended, relating to persons exempt from securing an Alabama drivers license, so as to exempt nonresidents who are on active duty in the armed forces of the United States and their dependents and students enrolled in a school, college, university or trade school in this state who possess a valid drivers license issued by their home state.

Also:

By Mr. Falkenburg:

H. 9. To provide for the definition of death in cases where respiratory and cardiac functions are maintained by artificial means, to further provide that nothing in the Act shall be construed to prohibit a physician from using customary procedures for determining death in other cases, and to make additional provisions pertaining to the determination of death in those cases in which some part of the body is to be donated for transplantation.

Also:

By Mr. Smith (C):

H. 139. To amend Act No. 281 adopted at the 1969 Regular Session of the Legislature of Alabama relating to the promotion of safe transportation of pupils to and from schools and in school related activities; to directing the state board of education to prescribe certain rules and regulations designed to promote this purpose; to the provision of school transportation managers or supervisors; to prescribing certain equipment for school buses; to the provision for safety inspection of school buses; to the provision for special training and licensing of school bus drivers; and to the prescribing of penalties.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 152. To the Committee on Finance and Taxation.

H. B.'s 118 and 9. To the Committee on Judiciary.

H. B. 139. To the Committee on Education.

REPORTS OF COMMITTEES

Mr. Owen, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Biddle, McCorquodale, Gafford, Manley and Owens:

H. 137. To make an appropriation to the various public school systems

of the state from the Special Educational Trust Fund for the purpose of libraries in the public elementary and secondary schools.

By Mr. Turnham:

H. 143. To provide that full-time employees and executive officers of the Alabama Council for School Administration and Supervision may elect to become members of the Teachers' Retirement System of Alabama; also to provide that said Council and its employees shall assume all costs, both contributory and administrative; and no cost shall devolve upon the state.

By Mr. Mims:

S. 652. To provide for a fee to be paid for filing or recording any instrument conveying real estate or any interest therein and for such fee to be forwarded to the State Treasurer; to provide for the disposition of said funds by the State Treasurer; to provide that all funds paid out by the State Treasurer shall be budgeted and allotted; and further providing that any monies in the Land Surveys Fund in excess of \$100,000.00 at the end of any state fiscal year shall be transferred into the General Fund of the State.

By Mr. Vacca:

S. 622. To exempt the Kidney Foundation of Alabama, Inc., from the payment of all state, county and municipal sales and use taxes.

By Mr. Waldrop:

S. 648. To exempt the Ambulance Services, Inc. of Gadsden, Alabama from the payment of all state, county and municipal sales and use taxes.

By Mr. Jones:

S. 649. To authorize Alabama Building Finance Authority to sell and issue not exceeding \$2,000,000 principal amount of bonds for the purpose of constructing a vehicle parking facility on land owned by the state in the capitol complex; to authorize the issuance of refunding bonds; to provide for the investment of the proceeds from the sale of the bonds of the Authority; to provide that all properties of the Authority and the income therefrom and all bonds issued and the income therefrom and all leases made and the recording thereof and all lien notices filed shall be exempt from all taxation in the State of Alabama; to provide that such bonds shall constitute negotiable instruments; to provide that such bonds shall be payable solely out of revenue derived from the rental of the parking facility to the various state departments and shall not create obligations or debts of the state; to provide that any bonds issued by the Authority may be used as security for deposits and investment of public funds and fiduciary funds; to specify the application of the proceeds of the bonds of the Authority; to create a reserve fund for the benefit of the bonds of the Authority; to authorize the Authority to pledge such revenues from said parking facility (when and as such revenues become available to the Authority) which may be necessary to pay the principal of and interest on its bonds; to authorize the filing for record of an instrument reciting the issuance of the bonds and the creation of the pledge as a lien on the revenues, which filing will constitute constructive notice; to provide that the State Treasurer shall be the custodian of the funds of the Authority; to provide for the lease to and by agencies, boards, commissions, bureaus and departments of the State of Alabama, of parking space in said parking facility; to amend Section 25 of Act No. 658 enacted at the 1961 Regular Session of the Legislature of Alabama; and to authorize publication of notice

of the resolution authorizing any bonds or pledge and to specify a limitation of time thereafter for actions or defenses respecting said bonds or pledge.

By Mr. Goodwin:

S. 688. To exempt certain specified charitable and community service organizations and corporations from all state, municipal and county sales, use and ad valorem taxes.

By Mr. Higginbotham:

S. 701. To amend Code of Alabama 1975 § 44-1-29 to repeal the provision allowing the Department of Youth Services to establish facilities and procedures for making purchases and letting contracts.

By Mr. Higginbotham:

S. 702. To amend Section 2 of Act No. 1106, Regular Session of the Legislature of 1975, to repeal the provision allowing the Retirement Systems to establish facilities and procedures for the making of purchases and payment of expenses of the Retirement Systems.

By Mr. Jones:

S. 741. To amend Sections 14-1-4 and 14-1-6 of the Code of Alabama 1975, so as to allow the Commissioner of Corrections to appoint one additional deputy commissioner and to provide further for the compensation of all deputy commissioners.

By Messrs. Ellis, Vacca, Perry, Foshee, Fine and Jones:

S. 747. To provide that a free, distinctive license tag be furnished Congressional Medal of Honor winners living in Alabama.

Mr. St. John, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Mr. King (With Amendments):

S. 72. To provide that any person who produces, displays, disseminates, or possesses with intent to disseminate obscene matter displaying or depicting children under the age of seventeen years engaged in lewd sexual activity or any parent or guardian who knowingly permits their child to be depicted therein shall be guilty of a felony and punished as provided herein, to provide a method of proof that such child is under the age of seventeen, to provide that possession of six or more copies of the same obscene material is prima facie evidence of intent to disseminate the same and to provide for the forfeiture and condemnation of certain property used in or related to the defined crimes, and to provide definitions for its provisions.

Mr. St. John, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Bank:

S. 73. To provide that any person who produces, displays, disseminates, or possesses with intent to disseminate obscene matter displaying or

depicting children under the age of seventeen years engaged in lewd sexual activity or any parent or guardian who knowingly permits their child to be depicted therein shall be guilty of a felony and punished as provided herein, to provide a method of proof that such child is under the age of seventeen, to provide that possession of six or more copies of the same obscene material is prima facie evidence of intent to disseminate the same and to provide for the forfeiture and condemnation of certain property used in or related to the defined crimes, and to provide definitions for its provisions.

By Mr. Jones:

S. 558. To provide that any person who knowingly sends or causes to be sent, brings or causes to be brought, into this State for sale or distribution, any obscene work, or within this State, manufactures, prints, publishes, sells, distributes, or possesses with intent to sell or distribute, or displays publicly any obscene work, or who knowingly exhibits any obscene performance for monetary consideration shall be guilty of a misdemeanor and shall be punished as provided herein, to provide exemptions from prosecution under this Act, to provide for the extradition of persons charged with violations of this Act, to provide procedures for the issuance of search warrants for the seizure of allegedly obscene works, to provide procedures which comply with constitutional requirements for adversary hearing prior to trial on the question of the obscenity of works seized and to provide copies of works seized, to provide penalties for violation of Sections 2 or 3 of this Act, to provide for the forfeiture of works used in any violation of Sections 2 or 3 of this Act, to repeal Sections 6301, 6305, 6310, 6320, and 6322 of Act No. 607, Acts of Alabama, 1977 Regular Session, to provide for the severability of the parts of this Act, to provide an effective date, and to provide an effective date, and to provide definitions for the provisions of this Act.

By Mr. Jones:

S. 562. To provide that any person who knowingly shows, exhibits, sells, distributes, or displays for sale, any obscene work to a minor, or who knowingly exhibits any obscene performance with knowledge that a minor is present in the audience, or who knowingly exhibits any obscene performance with reckless disregard as to whether a minor is present in an audience, or who knowingly exhibits any obscene performance where it is likely or probable that a minor is present in an audience, shall be guilty of a misdemeanor and shall be punished as provided herein, to provide exemptions from prosecution under this Act, to provide that a mistake as to the age of the minor shall constitute a defense to prosecution under certain circumstances, to provide for the extradition of persons charged with violations of this Act, to provide procedures for the issuance of search warrants for the seizure of allegedly obscene works, to provide procedures which comply with constitutional requirements for adversary hearings prior to trial on the question of the obscenity of works seized and to provide copies of works seized, to provide penalties for violation of Sections 2 or 3 of this Act, to provide for the forfeiture of works used in any violation of Sections 2 or 3 of this Act, to repeal Sections 6320 and 6322 of Act No. 607, Acts of Alabama, 1977 Regular Session, to provide for the severability of the parts of this Act, to provide an effective date, and to provide definitions for the provisions of this Act.

By Messrs. Clemon, Miller, Fine, Mims, Ellis, Shelby, McMillan, McDonald (A), Pearson, Waldrop, Jones, McDonald (S), Bank, Owen, Stewart, Vacca, Higginbotham and Adams:

S. 608. To remove all restrictions relating to Public Employees of any

County or City in the State of Alabama, pertaining to his right to participate in political activities and allow public employees the right of free expression in public welfare.

By Mr. St. John:

S. 685. Providing that all duly appointed and commissioned reserve deputy sheriffs, as authorized under the provisions of Section 15-6-1, Code of Alabama 1975, shall have the same authority to make arrest and execute other duties of the sheriff's office as is currently possessed by the full-time deputy sheriff's office as is currently possessed by the full-time deputy sheriffs in this state.

By Messrs. Ellis, Gilmore and Vacca:

S. 744. To propose an amendment of Amendment No. 239 to the Constitution of Alabama of 1901, as amended, relating to fire protection or garbage and trash disposal districts, so as to require that the expenses of the garbage and trash disposal districts be paid by the Jefferson County Commission from the general funds of the county.

The above Bill was read a second time at length as required by the Constitution.

By Mr. Shelby:

S. 30. To make the representation or depiction of minors under the age of eighteen (18) engaged in or represented as engaging in certain sexual activity a felony and prescribes penalties for the violation of its provisions.

Mr. Roberts, Chairman of the Standing Committee on Local Government, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Fine:

S. 344. To amend the title and Section 7 of Act No. 584, H. 449 of the 1965 Regular Session (1965 Acts, p. 1080), so as to provide that it shall be unlawful for any person to use any facility operated and maintained by Bear Creek Development Authority without first obtaining a user permit authorizing such person or persons to use said facility; and to prescribe penalties for violations.

By Mr. St. John:

S. 732. To amend Section 11-50-313, Code of Alabama 1975, so as to authorize the governing body of the municipality with respect to which the corporation was primarily organized, to set and establish the fee payable to the directors of the corporation.

By Mr. Vacca:

S. 303. To authorize municipalities which retain their municipal courts to retain funds collected as "fair trial tax" and to use such funds to defray the costs of providing representation for indigent defendants in their courts; to require that such municipalities remit to the state treasury any funds collected as "fair trial tax" which are not used in providing representation for indigent defendants in their courts, notwithstanding the provisions of Article 5, Chapter 19, Title 12, Code of Alabama, 1975; to repeal conflicting laws.

Mr. Roberts, Chairman of the Standing Committee on Local Government, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Fine (With Substitute):

S. 621. To amend Act No. 372, S. 362, Regular Session, 1976, which requires every municipality in the state to provide a civil service/merit system governing its law enforcement officers or to enter into an agreement for participation in the state merit system so as to include counties and their Deputy Sheriffs under the merit system, setting up population and years they are to become effective, and setting up appointment authority of the Board.

Mr. Baker, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Jones:

S. 135. Relating to counties having a population of not less than 150,000 nor more than 180,000 inhabitants according to the 1970 or any subsequent federal decennial census; to regulate the sale of certain obscene material; and to prescribe penalties for violation.

By Mr. Adams:

S. 253. To amend further Act No. 2141, H. 2561, 1971 Regular Session (Acts 1971, p. 3431), entitled, "An Act To provide for and prescribe the form of government of all cities having populations of not less than 35,000 nor more than 37,000," so as to provide further for the disclosure of campaign contributions and expenditures made in relation to city elections; and to remedy a possible defect in the title of said Act.

By Mr. Edwards (with notice and proof):

S. 580. To further regulate the county supplemental allowances payable to the district attorney for the 8th Judicial Circuit.

By Mr. Noonan (with notice and proof):

S. 696. To repeal Act No. 653, H. 589, 1975 Regular Session (Acts of 1975, p. 1410), entitled "An Act To require the members of the board of registrars in all counties having populations of not less than 300,000 nor more than 600,000 according to the most recent or any subsequent decennial census to be available at the city hall of each incorporated municipality for the purpose of voter registration and voter reidentification, once each 6 months, and to be available at certain unincorporated areas in the county once each 6 months at the request of the House of Representatives member who represents such area with the concurrence of the Senate member who represents such area."

By Mr. Noonan (with notice and proof):

S. 697. Relating to Mobile County; to require the members of the board of registrars in Mobile County to be available at the city hall of each incorporated municipality for the purpose of voter registration and voter reidentification, once each 6 months, and to be available at certain unincorporated areas in the county once each 6 months at the request of the House of

Representatives member who represents such area with the concurrence of the Senate member who represents such area, and to provide transportation and additional expense allowances for the members of the board of registrars.

By Mr. Fine (with notice and proof):

S. 726. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Russellville, in Franklin County.

By Mr. Fine:

S. 727. To repeal Act No. 494, S. 927, approved August 26, 1971, Regular Session 1971 (Acts 1971, p. 1207), entitled, "An Act Relating to counties having a population of not less than 23,900 nor more than 24,450, fixing the fee for issuance of a pistol permit by the sheriffs in such counties and providing for the distribution and use of such fees."

By Mr. Fine (with notice and proof):

S. 728. Relating to Franklin County; to provide for the fee for the issuance of pistol permits by the sheriff and for the disposition of such fee.

By Mr. McMillan (with notice and proof):

H. 585. To alter or rearrange the boundary lines of the City of Satsuma, Mobile County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory contiguous thereto, in Mobile County, Alabama.

By Mr. Carothers (with notice and proof):

H. 630. Relating to Houston County; to prescribe the composition of the hospital board of said county; to ratify and confirm all previous acts of said board in approving and authorizing the sale of bonds for financing hospitals in said county and to provide for supplemental effect.

By Mr. McCorquodale (with notice and proof):

H. 794. Relating to Clarke County; to provide further for the compensation of the members of the county governing body.

By Mr. Waggoner (with notice and proof):

H. 808. To alter and rearrange the boundaries of the municipality of Pelham in Shelby County, so as to include certain territory within the corporate limits of the city.

By Messrs. Goodwin and Coburn (with notice and proof):

H. 821. Relating to Colbert County; authorizing the state highway department to use county road funds to maintain mail routes, school bus routes and church and public cemetery roads.

By Messrs. Goodwin and Coburn (with notice and proof):

H. 827. Relating to Colbert County; to provide an additional expense allowance for the members of the board of registrars; and to provide for retroactive effect.

By Messrs. Coburn and Goodwin (with notice and proof):

H. 832. Relating to Colbert County; authorizing the county commission to require prior approval of subdivision road plats.

By Messrs. Smith (J) and Crawford (with notice and proof):

H. 839. Relating to Houston County; to repeal Act No. 936, H. 1064, 1975 Regular Session (Acts of 1975, p. 1955), entitled "To create the office of license commissioner in Houston County; to provide for his appointment and future election; to fix his compensation and allowance, prescribe his duties, define his powers and provide for the operation of his office."

By Mr. Warren (with notice and proof):

H. 902. Relating to Conecuh County; to provide an additional expense allowance for the county coroner.

By Mr. Warren:

H. 903. To repeal Act No. 723, H. 1207, Regular Session 1976 (Acts of 1976, p. 1006), entitled "An Act To provide an additional expense allowance for the county coroner of all counties having populations of not less than 15,625 nor more than 15,850 inhabitants according to the 1970 or any subsequent federal decennial census."

By Mr. Waggoner (with notice and proof):

H. 906. To amend Section 6 of Act No. 789, H. 1328, Regular Session 1977 (Acts 1977, p. 1363), which provides for a personnel board for employees of county law enforcement offices in Shelby County, so as to provide further for the compensation of members of such board.

By Mr. Smith (J) (with notice and proof):

H. 927. To amend Act 917, H. 1937, approved October 8, 1975, which authorizes the County Commission, Board of Revenue, or other Geneva County governing body to provide clerk-hire allowance for the Tax Assessor and the Tax Collector of Geneva County so as to increase the amount of such allowances.

Mr. Baker, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendment, and they were severally read a second time and placed on the calendar, to wit:

By Mr. Cross (with notice and proof) (With Amendment):

H. 937. Relating to Lawrence County; to further provide for the salaries of the Judge of Probate, the sheriff, the tax collector, the tax assessor and the coroner; and to provide for a temporary expense allowance for each officer elected to serve as the tax collector and the tax assessor.

Mr. Baker, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Noonan (with notice and proof):

S. 740. To amend Sections 3, 12, 14, and 15, and add Section 28, of Act No. 243 H. 278, First Special Session 1964, as amended, which establishes the pension and relief system for policemen and firemen of the City of Mobile, by changing the amounts of contributions of the members and of the City, and by providing that the city may fix, in its discretion, such part of the assessment

of costs of court in connection with prosecutions for violations of municipal ordinances to be credited to said pension and relief fund; to amend further said Act No. 243; to provide for an adjustment in retirement benefits to persons retiring after the effective date of this Act; and to provide for an adjustment in benefits to persons temporarily totally disabled.

By Messrs. Venable and Plaster (with notice and proof):

H. 979. Relating to Elmore County; providing further for the salaries and expense allowances of the deputies of the sheriff's department, and providing payment out of county funds.

By Messrs. Baker and Whatley:

H. 770. To amend further Section 11-6-2 of the Code of Alabama 1975, as amended, so as to provide further for the qualifications of the county engineer in certain counties of this state.

By Messrs. Lockett, Edwards and Pegues (with notice and proof):

H. 745. Relating to Dallas County; further regulating the handling and expenditures of certain court fees accruing to Dallas County; establishing the Dallas County Law Library Fund and authorizing the expenditures of such funds; creating the Dallas County Law Library Board and providing for its appointment, powers and duties; providing for taxation of \$3.00 court costs as a law library fee in all criminal, quasi-criminal, or civil cases or other proceedings in the circuit court, district court, and small claims court of Dallas County; and repealing certain laws of Dallas County relating to the county and circuit courts.

By Messrs. Lockett, Edwards and Pegues (with notice and proof):

H. 744. Relating to Dallas County; to provide a District Attorney's Fund for Dallas County; and to provide an expense supplement for the District Attorney, Deputy District Attorney or the Assistant District Attorney serving as Deputy District Attorney and the part-time Assistant District Attorney for Dallas County from the District Attorney's Fund.

RESOLUTION

Messrs. Pearson, Clemon, and McMillan offered the following Senate Resolution, to-wit:

S. J. R. 423. COMMENDING BIRMINGHAM RELIGIOUS AND CIVIC LEADER, BISHOP CHESTER ARTHUR KIRKENDOLL.

WHEREAS, the Senate of the Alabama Legislature notes with approbation the many accomplishments and extraordinary Christian service of Bishop Chester Arthur Kirkendoll of the Christian Methodist Episcopal Church; and

WHEREAS, Bishop Kirkendoll, who holds six degrees, served as President of Lane College in Jackson, Tennessee, from 1950 until 1970, at which time he acceded to the Bishopric of the Christian Methodist Episcopal Church, an office he yet holds today; and

WHEREAS, he holds membership on the Governing Board of the National Council of Churches of Christ in America, on the Board of Directors of Big Brothers of Greater Birmingham, Incorporated, and is a member of the

Birmingham Area Executive Council of Boy Scouts of America and of the National Advisory Council on Student Aid to the National Council of America; he further has prestigiously served as Chairman of the Board of Trustees of Miles College since 1970, is a member of the Board of Trustees of Phillips School of Theology and is Chairman of the General Board of Evangelism CME Church; and

WHEREAS, Bishop Kirkendoll is truly a World Traveller, a delegate of the Fifth Assembly of World Council of Churches in 1975 and to the World Methodist Conference of 1976; his citations of merit are many and include that of the State of Tennessee as Distinguished Citizen, 1970, and the United Negro College Fund Award of 1978; now therefore,

BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA, That we hereby commend Bishop Chester Arthur Kirkendoll of the Christian Methodist Episcopal Church, highly praising his numerous and notable contributions in the fields of religion, education and community service.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Bishop Kirkendoll as but a token of our appreciation and esteem.

On motion of Mr. Pearson, the Rules were suspended and the Resolution was adopted by the Senate.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Edwards (with notice and proof):

S. 748. Relating to Lawrence County; to provide for salary supliments for the Circuit Judge of the Circuit composed of Lawrence County, payable from the county treasury.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 748, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Messrs. McDonald (A) and Fine:

S. 749. To provide further for the compensation of the members of the several county boards of equalization in this state by authorizing the several county governing bodies to provide certain county salary supplements for such members.

Committee on Finance and Taxation.

By Mr. Shelby:

S. 750. To amend Sectoin 40-12-49, Code of Alabama 1975, relating to the annual license tax of attorneys so as to regulate further the payment of such license tax by certain attorneys.

Committee on Judiciary.

By Mr. Shelby:

S. 751. To amend Section 34-3-3, Code of Alabama 1975, relating to the fees to be paid by certain applicants for admission to the bar so as to increase such fees.

Committee on Judiciary.

By Mr. Shelby:

S. 752. To amend Section 34-3-17 and Section 34-3-18, Code of Alabama 1975, such sections authorizing certain qualified lawyers to become members of the Alabama bar association, so as to regulate further the annual dues to be paid by such members.

Committee on Judiciary.

By Mr. Teague:

S. 753. To prohibit the trapping of any fur-bearing animal except by a landowner on his own property, and to prescribe the punishment for violation of this act.

Committee on Finance and Taxation.

By Mr. Shelby:

S. 754. To exempt the Junior League of Tuscaloosa, Alabama, Inc., from the payment of all state, county and municipal sales and use taxes.

Committee on Finance and Taxation.

By Mr. Shelby:

S. 755. To exempt the Phoenix House, Inc., of Tuscaloosa, from the payment of all state, county and municipal sales and use taxes.

Committee on Finance and Taxation.

REPORT FROM RULES

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 438. MOURNING THE TRAGIC AND UNTIMELY DEATH OF DALE McVAY PORTER.

On motion of Mr. Fine, said Resolution was then concurred in and adopted by the Senate.

RESOLUTION

Mr. Adams offered the following Senate Joint Resolution, to-wit:

S. J. R. 424.

WHEREAS, Mrs. Nell Espy Gary has devoted her entire adult life in the field of education, having been an educator for forty years; and

WHEREAS, Mrs. Gary has been an active member of the Alabama Education Association and served as an officer of the State Association, and also, served on the Board of Directors of the National Association; and

WHEREAS, Mrs. Gary has served with distinction in her community of Midland City, Alabama, in her religious and civic work; serving as secretary of the Board of Stewards of the Methodist Church; has served as an officer of the Pilot Club of Ozark; served as an officer of the Dale County Red Cross; and

WHEREAS, Mrs. Gary was the recipient of Highest Tribute of Outstanding Service to the Youth of Dale County for her efforts in developing and coordinating training programs for underprivileged and deserving young men and women of her community and surrounding areas in connection with George C. Wallace Trade School at Napier Field; and

WHEREAS, Mrs. Gary has been most active in her support to George C. Wallace State Community College, especially the Technical Division; and

WHEREAS, Mrs. Gary's interest has been great in the Trade and Industrial programs of the college and through her efforts a multimillion dollar Michelin Tire Plant was located in Dale County, and has served as an advisor in the training programs carried on by this institution; now therefore, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that the Allied Health Building at George C. Wallace State Community College be named after Mrs. Nell Espy Gary.

On motion of Mr. Adams, the Rules were suspended and the Resolution was adopted by the Senate.

BILLS ON THIRD READING RESUMED

The Senate proceeded to further consideration of the second item of Unfinished Business for today, which was the Bill:

S. 546. Proposing an amendment to the Constitution of Alabama relating to public retirement systems, to prohibit increased benefits under retirement plans which are funded in whole or in part by public funds unless increased funding has been provided; to require the legislature to annually appropriate the necessary funds and prescribe member contributions for all retirement systems operated by the state; and to prohibit the diversion of assets or funds from public retirement systems.

Mr. Baker offered the following amendment to the Bill, S. B.546, to-wit:

AMENDMENT TO S. B. 546

Amend Senate Bill No. 546 Page 2 by striking out lines 6, 7, 8, and through the word "system" on line 9 and by substituting the following:

"The legislature nor the governing body of any city or county shall pass any law, resolution or ordinance relating to any public retirement or pension system which provides for any increased benefits or changed eligibility or creditable service requirements if said law, resolution or ordinance would make it easier to qualify for benefits"

Also, on page two, line 11 strike the word "increase" and substitute the word "change".

Which was adopted.

Yeas 27; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Foshee, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, St. John, Shelby, Stewart.

—27

Nays:

—0

And said Bill, S. B. 546, as thus amended, was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McDonald (S), Noonan, Owen, Pearson, Peden, Perloff, Proctor, St. John, Shelby, Stewart, Waldrop.

—25

Nays:

—0

The Bill:

H. 547. Relating to Morgan County; to permit banks now or hereafter situated in Morgan County to establish, maintain or operate branch banks and branch offices within the corporate limits of Trinity, Alabama for the conduct of a general banking and trust business; and to repeal conflicting laws.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Fine, Foshee, Gilmore, Jones, King, Little, McDonald (A), McDonald (S), Mims, Mitchell, Noonan, Owen, Peden, Perloff, Powell, St. John, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

H. 548. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Decatur in Morgan County.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Fine, Foshee, Goodwin, Jones, King,

Little, McMillan, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, St. John, Stewart, Teague, Vacca, Wilson.

—25

Nays: —0

The Bill:

H. 158. To name the administration building at George C. Wallace State Community College at Hanceville, Cullman County, Alabama, "The Harlan G. Allen Building."

Was read a third time at length and passed.

Yeas 23; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Goodwin, Higginbotham, King, Little, McDonald (A), McMillan, Noonan, Owen, Pearson, Peden, Perloff, Proctor, St. John, Shelby, Teague, Vacca.

—23

Nays: —0

The Bill:

S. 37. To name the I-65 crossing of the Mobile River which is now under construction and scheduled for completion in September, 1980, "The General W. K. Wilson, Jr., Bridge.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

Yeas:

Messrs. Adams, Bank, Edwards, Ellis, Gilmore, Goodwin, Higginbotham, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Powell, St. John, Shelby, Vacca.

—22

Nays: —0

The Bill:

S. 676. Relating to Monroe County; providing additional expense allowances for members of the board of education.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Foshee, Jones, King, Little, McDonald (S), Mims, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca.

—25

Nays:

—0

The Bill:

S. 677. To authorize the Presiding Circuit Judge of the 35th Judicial Circuit to withdraw a certain amount from the Solicitor's Funds which comprise such Circuit to be used for the effective administration of justice.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Ellis, Fine, Foshee, Gilmore, Jones, King, Little, Mims, Noonan, Owen, Pearson, Peden, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

S. 682. To authorize the Presiding Circuit Judge of the 35th Judicial Circuit to withdraw a certain amount from the Solicitor's Funds which comprise such Circuit to be used for the effective administration of justice.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Ellis, Fine, Foshee, Gilmore, Goodwin, Jones, King, Little, Mims, Noonan, Owen, Peden, Perloff, Perry, Powell, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

Nays:

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The Bill:

S. 710. Relating to Limestone County; to provide for an additional expense allowance for the court reporter of any judicial circuit composed only of Limestone County.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Goodwin, Jones, King, McDonald (A), McMillan, Mims, Mitchell, Owen, Pearson, Peden, Perry, Powell, Proctor, Roberts, St. John, Shelby, Vacca, Waldrop, Wilson.

—25

Nays:

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BILL RE-REFERRED

Mr. Baker, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following Bill, H. B. 758, and ordered same returned to the Senate with the recommendation that it be re-referred to another Committee.

And the President and Presiding Officer of the Senate ordered said Bill, H. B. 758, re-referred to the Standing Committee on Local Legislation No. 2.

BILLS ON THIRD READING RESUMED

The Bill:

S. 714. Relating to the Office of the Tax Assessor, Calhoun County; authorize the Tax Assessor to appoint a Deputy Assessor. Establish the duties of the Deputy Assessor with salary to be fixed by the County Commission.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Foshee, Gilmore, Jones, King, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Stewart, Teague, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

S. 735. Relating to Walker County; to provide further for the compensation of district judges.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Jones, Little, McDonald (A), McDonald (S), Mims, Noonan, Owen, Pearson, Powell, Proctor, St. John, Stewart, Teague, Vacca, Wilson.

—25

Nays:

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The Bill:

H. 810. To repeal Act No. 50, H. 91, 1977 First Special Session (Acts of 1977, p. 1472), entitled "An Act Relating to all counties having a population of not less than 35,000 nor more than 38,000 inhabitants according to the

1970 or any subsequent federal decennial census; to provide additional compensation for the members of the county commission."

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Foshee, Gilmore, Higginbotham, Little, McMillan, Mims, Mitchell, Owen, Pearson, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Vacca, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

H. 811. Relating to Chambers County; to provide additional compensation for the members of the county commission.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Higginbotham, Little, McDonald (S), McMillan, Mims, Noonan, Owen, Pearson, Perloff, Perry, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

H. 896. Relating to Russell County, to provide further for the salary of the sheriff and to repeal conflicting laws.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Ellis, Fine, Foshee, Higginbotham, King, Little, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

S. 734. Relating to counties having populations of not less than 57,000 nor more than 61,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide an additional expense allowance for the tax assessor and the tax collector of such counties.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Gilmore, Jones, King, Little, McMillan, Mims, Mitchell, Owen, Peden, Perloff, Perry, Powell, Proctor, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

H. 732. To provide an expense allowance for the District Judge of Shelby County.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Jones, King, Little, McMillan, Mims, Owen, Peden, Perloff, Perry, Proctor, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

S. 711. Relating to Marshall County, to provide that the salary commission of the county shall set the salaries and compensation of the members and employees of the board of registrars to be paid from county funds.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Goodwin, Jones, King, Little, McDonald (S), Mims, Mitchell, Noonan, Owen, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Vacca, Waldrop, Wilson.

—25

Nays:

—0

The Bill:

H. 642. To alter or rearrange the boundary lines of the Town of Grimes, Dale County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits, and also certain other territory in Dale County, Alabama.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Clemons, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, Mims, Owen, Pearson, Peden, Perry, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Wilson.

—25

Nays:

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The Bill:

H. 867. Relating to Dale County; to amend Act 553, H. 1296, 1977 Regular Session (Acts of 1977, p. 744) so as to allow certain employees continued employment.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Goodwin, Jones, King, Little, McDonald (A), McDonald (S), Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perry, Proctor, Shelby, Stewart, Teague, Vacca, Wilson.

—25

Nays:

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The Bill:

S. 738. Relating to Jackson County, Alabama; to provide for the budgeting for the number, classification, and compensation of employees of the Office of Sheriff of such County, and the manner of payment therefore; to provide for motor vehicles for said office and maintenance thereof; to provide for the payment of operational cost of the Sheriff's Office; and repealing conflicting laws.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following substitute for the Bill, S. B. 738, to-wit:

COMMITTEE SUBSTITUTE FOR S. B. 738

A BILL TO BE ENTITLED AN ACT

Relating to Jackson County, Alabama, to provide for the budgeting for the number, classification, and compensation of employees of the office of Sheriff of such county, and the manner of payment therefor; to provide for motor vehicles for said office and maintenance thereof; to provide for the payment of operational cost of the Sheriff's Office; and repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The Sheriff of Jackson County, Alabama, is authorized to appoint and to exercise all supervisory authority over all employees of the

sheriff's department of Jackson County, including but not limited to deputies, investigators, clerks, jailers, matrons, radio operators, cooks and any other necessary employees for the operation of the sheriff's department. The exact number of employees and the compensation paid to each person in each classification shall be determined by the Sheriff within the budgetary restraints provided herein. The Sheriff shall have the power to discipline all of said employees, including but not limited to reprimand, suspension with or without pay, reduction in salary or job classification or dismissal from employment. In addition to compensation as salary or wages, each employee provided for herein shall be entitled to all employee benefits provided for all county employees.

Section 2. The Sheriff of Jackson County, Alabama, is also authorized to purchase such automobiles and equipment for his department and the jail as may be necessary and advisable and may cause such repairs and maintenance to be made as are needed subject only to the budgetary restraints or limitations of his department. Provided, however, that whenever a transaction requires competitive bids that the normal competitive bid procedures of the county be followed. The county governing body shall be required as soon as is practical upon written request from the Sheriff. Upon failure of the county governing body to let bids within 30 days from the Sheriff's written request, the Sheriff may proceed with the competitive bid process himself.

Section 3. The Sheriff of Jackson County is also authorized to purchase, subject to the same provisions with regard to competitive bids as are provided in Section 2, such other equipment, supplies, furnishings, telephone services, gas and oil and any other items or services necessary for the proper maintenance of the sheriff's department as he may deem necessary, subject to budgetary restraints or limitations provided herein.

The county governing body may prescribe such rules, regulations, reporting and accounting procedures for the use of county equipment, supplies and telephone services as it may deem necessary and advisable to insure efficient operation and to prevent overuse or abuse of county funds, equipment, supplies or telephone services.

Section 4. On or before July 1 of each calendar year, the Sheriff of Jackson County shall submit to the county governing body a recommended budget showing estimated expenditures for salaries; automobile purchases; telephone expenses; gas, oil and maintenance of vehicles, equipment and furnishings purchase; supplies; and other miscellaneous expenses and making a total budget request. On or before September 1 of each year the county governing body shall, by resolution spread upon the minutes and written notice to the Sheriff, approve a total appropriation to the sheriff's department but shall not limit any line item expenditure requested. The appropriation shall not be less than the average amount expended from county funds for the sheriff's department in the three years next preceding year for which the appropriation is being made, unless the total county revenue should decrease, then a pro-rata reduction of a like percentage may be made. The Sheriff is authorized to spend up to one-twelfth of said appropriation plus any amounts reserved or unspent in previous months each month of the fiscal year upon voucher submitted by the Sheriff. The county governing body may make additional or supplemental appropriations to the sheriff's department if they deem it in the best interest of the county to do so.

Section 5. The Sheriff is not authorized to incur debts or obligations in any year in excess of the amount appropriated and may be held personally

liable by any creditor or the county for any amount obligated in excess of said appropriation.

Section 6. The Sheriff is authorized to use any amount of the total appropriation for any item in his budget request or to match any federal grant available for his department.

Section 7. All laws, or parts of laws, in conflict with the provisions hereof are repealed.

Section 8. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law and shall begin application for the fiscal year beginning October 1, 1978.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Clemon, Ellis, Fine, Foshee, Goodwin, Jones, King, Little, McMillan, Mims, Mitchell, Noonan, Owen, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Teague, Vacca, Waldrop, Wilson.

—25

Nays:

—0

And said Bill, S. B. 738, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Clemon, Edwards, Ellis, Fine, Foshee, Jones, King, Little, McMillan, Mims, Mitchell, Noonan, Owen, Peden, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Wilson.

—25

Nays:

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The Bill:

S. 656. To further amend Section 12 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965 (Ala. Acts, 1965, pp. 717-739) establishing a retirement system for employees and officers of Jefferson County, Alabama, as heretofore amended.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Ellis, Gilmore, Goodwin,

Higginbotham, Jones, King, Little, McDonald (A), McMillan, Mitchell, Noonan, Pearson, Perloff, Perry, Proctor, Roberts, St. John, Shelby, Stewart, Vacca, Wilson.

—25

Nays:

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The Bill:

S. 657. To further amend Section 10 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965 (Ala. Acts, 1965, pp. 717-739) establishing a retirement system for employees and officers of Jefferson County, Alabama, as heretofore amended.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Ellis, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Mitchell, Noonan, Pearson, Perloff, Perry, Proctor, Roberts, St. John, Shelby, Stewart, Vacca, Wilson.

—25

Nays:

—0

The Bill:

S. 631. Relating to Jefferson County; levying an additional 1% lodging tax to be used by the Greater Birmingham Convention and Visitors Bureau to be used for the promotion of Birmingham as a convention and visitors' destination; providing that the Director of Revenue shall collect such tax.

was taken up.

Mr. Gilmore offered the following amendment to the Bill, S. B. 631, to-wit:

AMENDMENT TO S. B. 631

Amend Senate Bill No. 631 Page 1 Line 25, by striking out the period after the word adopted and inserting the words

"and shall remain in effect for a period of twenty-four months.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Ellis, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Mitchell, Noonan, Pearson, Perloff, Perry, Proctor, Roberts, St. John, Shelby, Stewart, Vacca, Wilson.

—25

Nays:

—0

And said Bill, S. B. 631, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Ellis, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Mitchell, Noonan, Pearson, Perloff, Perry, Proctor, Roberts, St. John, Shelby, Stewart, Vacca, Wilson.

—25

Nays:

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The Bill:

S. 713. Relating to Calhoun County; to provide for the salaries of certain officials of the county to become effective upon the expiration of the present terms of office of the incumbent office-holders, and to provide an expense allowance for the probate judge's office which will terminate upon the expiration of the present term of office of the probate judge.

was taken up.

Mr. Stewart offered the following amendment to the Bill, S. B. 713, to-wit:

AMENDMENT TO S. B. 713

Amend Senate Bill 713, page 1, line 16, after the words "judge's office" by adding the following: ", tax assessor's office and tax collector's office". Further amend on line 18 by removing the period after judge and adding a comma and adding the following: "tax assessor and tax collector". Further amend S. B. 713 page 2 line 10 after the word "judge" by adding the following: ", tax assessor and tax collector". Further amend S. B. 713 page 2 line 10 after the word "judge" by adding the following: ", tax assessor and tax collector". Further amend at the end of the same paragraph by removing the period and adding the following: ", tax assessor and tax collector."

Also amend S. B. 713, page 2, by deleting paragraph 1 of Section 2 in its entirety and inserting in lieu thereof the following new paragraph in Section 2.

"Section 2. Beginning January 1, 1979, the probate judge shall receive an annual expense allowance of \$4,250.00, the tax assessor an expense allowance of \$4,000.00, and the tax collector an expense allowance of \$4,000.00 which shall be payable in addition to any other compensation or allowance as may be provided to such official by law."

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Bank, Edwards, Ellis, Fine, Foshee, Gilmore, Jones, King,

Little, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Stewart, Teague, Waldrop, Wilson.

—25

Nays:

—0

And said Bill, S. B. 713, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs. Baker, Bank, Edwards, Ellis, Fine, Foshee, Gilmore, Jones, King, Little, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Stewart, Teague, Waldrop, Wilson.

—25

Nays:

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MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the bill:

H. 170. To make further appropriations of State Funds for the fiscal year ending September 30, 1978.

And requests a Committee on Conference, and the Speaker of the House has named as a Committee on Conference on the part of the House Messrs. Sasser, Cooper and Waggoner.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Owen, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 170, the title of which is set out in the foregoing Message from the House.

Yeas 23; Nays 2.

Yeas:

Messrs. Adams, Bank, Edwards, Ellis, Higginbotham, Jones, King, Little, McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Proctor, St. John, Shelby, Stewart, Teague, Waldrop.

—23

Nays: Messrs. Fine, Peden.

—2

And the President and Presiding Officer of the Senate appointed as Committee on the part of the Senate, Messrs. McDonald (S), Baker, and Stewart.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate admendment to the following House bill:

H. 318. To extend, alter and rearrange the boundary lines and corporate limits of the Town of Lincoln, Talladega County, Alabama; and to exempt annexed farm lands from city ad valorem taxes.

JOHN W. PEMBERTON,
Clerk.

SPECIAL ORDER

BILLS ON THIRD READING

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first item of which was the Bill:

S. 194. To provide for the registration of all perpetual care cemeteries; to define terms; to name and designate the Alabama State Commissioner of Insurance as Commissioner under this act, and authorize a deputy commissioner, with specifications of their duties; to provide for regulations; to provide for cemetery signs; to provide for mandatory contractual provisions; to require the creation of irrevocable trust funds, with trustees and depositories, and prescribe their functions; to provide for the issuance of licenses, and the revocation, suspension and refusal to renew same, and hearings thereon; to provide for the promulgation of rules and regulations for the operation of perpetual care cemeteries; to provide for reports, inspections and audits in the administration of the provisions of this act; to provide for civil relief and criminal penalties; to repeal conflicting laws.

The Standing Committee on Insurance reported the following substitute for the Bill, S. B. 194, to-wit:

COMMITTEE SUBSTITUTE FOR S. B. 194

A BILL
TO BE ENTITLED
AN ACT

To require certain minimum deposits into a trust fund of proceeds from sales of grave space in an endowment or perpetual care cemetery; to require a minimum deposit into an irrevocable trust fund by any person establishing endowment or perpetual care cemeteries after the effective date of this Act; to provide for certain contractual provisions; to provide for the supervision and control of such trust funds; to provide for penalties for violation; to provide for enforcement and supervision by the district attorneys of the several judicial circuits; to provide for the recording of certain reports in the several probate courts; to provide for licenses to be obtained from the probate judge; and for related purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. Legislative Intent. The practice of selling cemetery lots for speculative or investment purposes or upon promises of a resale at a profit, is detrimental to public interest. It defies the fundamental purposes upon which the development of the cemetery industry has been founded and

becomes a threat to its advancement by abusing the privileges which are administered as a public trust. We declare that the fundamental precepts of fair competition, dedicated to the preservation of standards of fair dealing and honesty to the general public, are to be encouraged. All cemeteries must treat their perpetual care (or endowed care) obligations to their lot owners as a sacred trust. Monies collected for care funds must be paid into separate irrevocable funds promptly; administered and invested judiciously and wisely by a corporate trustee. A minimum of 10% of the gross selling price of crypts, lots or niches must be paid into a cemetery care fund, except where exempt.

Section 2. Definitions. As used in this Act:

(a) "Cemetery" means a place dedicated to and used or intended to be used for the permanent interment of human remains. It may be either land for earth interment; a mausoleum for vault or crypt entombments; a structure or place used or intended to be used for the interment of cremated remains; or any combination of one or more thereof.

(b) "Cemetery authority" means any person who undertakes to establish, maintain, manage, operate, improve or conduct a cemetery; the interring of human remains, or the care, preservation and embellishment of cemetery property, whether or not such person undertakes such activity for profit.

(c) "Crypt" means a chamber or space in a structure or building of sufficient size, used or intended to be used, to entomb human remains.

(d) "Niche" means recess of space in a structure used or intended to be used for the permanent inurnment therein of the cremated remains of one or more deceased persons.

(e) "Perpetual care" by whatever term denominated by a cemetery authority, including, but not limited to, "perpetual care," "endowment fund care," and "free maintenance," means keeping the sod of the plot in repair, pruning of the shrubs and trees placed by the cemetery authority, but not including those placed by lot owners or their agents, the general maintenance and care of markers, mausoleum crypts and niches and of the structure housing same, but not including those placed or provided by lot owners or their agents, and general preservation of the grounds, walks, and roadways to the end that said cemetery grounds shall remain and be reasonably cared for as cemetery grounds to the extent of at least the income from the perpetual care funds, and without limitation as to time.

(f) "Perpetual care cemetery" means any cemetery or section of a cemetery, the plots, crypts or niches of which are sold or disposed of, or are offered for sale or disposition, upon the representation that such plots, crypts or niches will receive perpetual care as defined in this Act.

(g) "Perpetual care fund" means an irrevocable fund separately maintained to provide for the perpetual care of a cemetery in conformity with the provisions of this Act.

(h) "Plot" or "Interment space" means a grave or space in a cemetery sold or otherwise disposed of to one or more persons, used or intended to be used, for the permanent interment therein of the remains of one or more deceased persons.

(i) "Cemetery property" means any property, or part or interest therein, dedicated to, used or intended to be used for the permanent interment of

human remains. It may be a plot or plots for earth interment; a place or places in a mausoleum for vault or crypt interment; one or more niches, recesses, or other receptacles for the interment of cremated remains; or any combination of one or more thereof.

(j) "Persons" means an individual, partnership, corporation, association, or any other group, however organized.

Section 3. Perpetual Care Fund Expressly Permitted.

A perpetual care fund and all payments or contributions to it are expressly permitted as and for charitable and eleemosynary purposes. No payment, gift, grant, bequest, or other contribution for perpetual care is invalid by reason of any indefiniteness or uncertainty of the persons designated as beneficiaries in the instruments creating the fund, nor is the fund or any contributions to it invalid as violating any law against perpetuities, or the suspension of the power of alienation of title to property.

Section 4. Perpetual Care Required.

Any cemetery hereafter established, except as exempted in Section 12, shall be a perpetual care cemetery. No existing cemetery shall be operated as a perpetual, or advertised or represented to be, an endowment or perpetual care cemetery except in compliance with this Act.

Section 5. Sales Contract.

Each contract and/or deed for the sale of cemetery property or a plot, niche or crypt (whether above or below ground) for perpetual care shall contain a statement in bold-face type, at least eight points larger than the type size used in the body of the instrument, stating in the designated section to which the contract and/or deed applies, to-wit: "This contract and/or deed provides for Perpetual Care."

Section 6. Fund Required; Who May Act as Trustee.

Every cemetery authority operating a perpetual care cemetery shall establish a perpetual care fund which shall be placed with and held by a bank or trust company authorized to provide trust services under the provisions of Title 5 of the Code of Alabama of 1975, as amended, or under the applicable laws of the United States or of any other state, which shall be referred to herein as a "qualified trustee." The cemetery authority may enter into a contract with the qualified trustee for the management and investment of the perpetual care fund, which contract may provide for the payment out of the income from the fund of reasonable fees or commissions to the trustee, and its reasonable expenses for administering the trust. Except as provided in Section 8(a) hereof, nothing in this Act shall be construed as limiting the right of the cemetery authority by contract with the trustee to provide authority for or upon terms and conditions agreed upon between the parties, for retention of and investment or reinvestment in, assets or property, tangible or intangible, which would not be permitted or authorized as investments by or for trustees under the Constitution and laws of this state, or by other governmental laws, rules or regulations in the absence of such agreement.

Section 7. Contributions and Payments to Trustee.

(a) From the sale price of each plot, crypt or niche sold by the cemetery authority, of a perpetual care cemetery as defined herein, it shall pay an amount, not less than as determined in accordance with the following schedule, to the trustee of the perpetual care fund, which said payment shall

be in cash and shall be paid over to the trustee not more than three (3) months after the close of the month in which the total or final payment on said sale has been received:

(1) 10% of sale price of interment space or \$10.00 a space, whichever shall be greater.

(2) 10% of the sale price of each crypt or \$25.00 per crypt, whichever shall be the greater.

(3) 10% of the sale price of each niche or \$10.00 per niche, whichever shall be the greater.

In addition to the foregoing, a cemetery authority may receive, and transfer to the trustee, as a part of or incident to the perpetual care fund, any property, real, personal or mixed, bequeathed, devised, granted, given or otherwise contributed to it for perpetual care purposes.

(b) Any cemetery authority which is organized and engaged in business prior to the effective date of this Act shall qualify as a perpetual care cemetery if:

(1) Not already so placed, it shall within ninety days after the effective date of this Act have placed, the entire principal of any perpetual care fund theretofore in its possession, custody or control, into the hands of a qualified trustee designated by it, to be administered as set forth in this Act; and the principal of its perpetual care fund, or the aggregate principal of its perpetual care funds, if more than one, shall have a fair market value on either the effective date of this Act or on the date of transfer to the trustee of not less than Twenty-five Thousand Dollars (\$25,000.00) if the cemetery property is located in a county having a population of 150,000 or more; or Fifteen Thousand Dollars (\$15,000.00) if located in a county having a population of less than 150,000 and more than 75,000; or Ten Thousand Dollars (\$10,000.00) if located in a county having a population of 75,000 or less; all in accordance with the last decennial census; and,

(2) It shall at all times after the effective date of this Act comply with the minimum requirements for payments to the trustee for perpetual care as provided in Section 7(a) of this Act.

(c) Any cemetery authority organizing a cemetery after the effective date of this Act, whether it be by incorporation, association, individually or by any other means, or having its first burial after the effective date of this Act, before disposing of any burial lot or right or making any sale thereof, and/or making its first burial, and, any cemetery authority organized and engaged in business prior to the effective date of this Act and not having a perpetual care fund, shall cause to be deposited with a qualified trustee, in cash, the sum of Twenty-five Thousand Dollars (\$25,000.00) in the perpetual care fund if the cemetery property is located in a county with a population of 150,000 or more; or a sum of Fifteen Thousand Dollars (\$15,000.00) if located in a county of less than 150,000 population and more than 75,000; or the sum of Ten Thousand Dollars (\$10,000.00) if located in a county having a population of 75,000 or less; all in accordance with the last decennial census.

(d) When a cemetery authority has placed with a trustee, pursuant to the provisions of this Act, a sum of money in excess of the aggregate which would be required only under subsection (a) of this Section 7, the cemetery authority shall not be required under the provisions of this Act to make further payments to the trustee until such time thereafter as, taking into account all sales of plots, crypts and niches in the cemetery property since the

first of such sales, the aggregate of payments to the trustee if made in accordance with said subsection (a) would equal the applicable minimum amount paid to the trustee under subsection (b)(1), or subsection (c) or this Section 7.

Section 8. Investment of Principal of Fund; Use of Income.

(a) No cemetery authority may directly or indirectly require or direct the investment, reinvestment or retention by a qualified trustee of any part of a perpetual care trust in any asset or business in which the cemetery authority or any officer, director, owner, partner or employee of the cemetery authority has a financial interest. Nothing contained in this subsection (a) shall prevent the trustee, subject to such provisions regarding investment and reinvestment of the trust estate as are contained in the governing instrument creating the trust, from investing, reinvesting or retaining any asset or business in which the cemetery authority or any officer, director, owner, partner or employee of the cemetery authority has a financial interest, provided that the trustee, in the exercise of the trustee's discretion, deems such investment, reinvestment or retention to be for the best interest of the trust estate.

(b) The net income from the perpetual care fund, to the extent that the same is distributed from the fund, shall be used exclusively for covering the costs of perpetual care of the cemetery, including reasonable administration expenses incurred in connection therewith.

Section 9. Application of Income; Trustee Not Responsible For.

The trustee shall not be required to inquire into the propriety of the expenditures made by the cemetery authority in connection with perpetual care of the cemetery, and it shall not be held responsible in any manner whatsoever for and on account of payments of the income from the perpetual care fund made to the cemetery authority.

Section 10. Trustee's Account.

The trustee shall not less than annually file with the cemetery authority an account which shall include a complete disclosure of all activity since the previous account and a statement detailing fund investments.

Section 11. Existing Trusts.

To the extent that any perpetual care trust existing at the effective date of this Act includes investments or assets, the retention of which the trustee, in the free exercise of its discretion, deems not in the best interest of the trust estate, the trustee shall dispose of such investments or assets as soon as practicable without undue sacrifice to the trust estate, and in any event within two (2) years after the effective date of this Act.

Section 12. Exemptions.

The provisions of this Act shall not apply to (i) any cemetery owned and operated by a municipality, government, religious institution or fraternal order; (ii) private family burial grounds; except as to those under (i) or (ii) holding themselves out to be perpetual care cemeteries; (iii) nor to special care funds, gifts, grants, contributions, devises or bequests made or established with respect to the separate or special care of a particular lot, grave, crypt, niche, mausoleum, monument or marker or that of a particular family, as distinguished from the general perpetual care of a cemetery or of garden or section thereof as contemplated under Section 7(a) hereof.

Section 13. Each cemetery authority operating a perpetual care cemetery shall obtain an annual license from the judge of probate of the county where the cemetery is located. The application for the license shall state the name and location of the cemetery, the name and address of the owner or owners (or principal office if a corporation), the name and address of the trustee of the perpetual care fund, and shall be accompanied by a twenty-five dollar (\$25) license fee. Such license shall be renewable on or before October 1 of each year.

Section 14. Enforcement.

Supervision and enforcement of the provisions of this Act shall rest with the district attorneys of the several judicial circuits where such cemeteries are situated, respectively. Not later than 120 days after the close of the fiscal year of such cemetery following the effective date hereof, each cemetery authority which is not exempt under the provisions of Section 12 hereof shall cause a statement or report in writing to be filed for record in the office of the probate judge in the county in which the cemetery is located, certified under oath to be true and correct by the chief executive officer of the cemetery authority, that the provisions of Section 7 hereof have been complied with as of the close of such fiscal year with respect to the cemetery which is the subject of the statement or report; and a certified statement of the trustee of each perpetual care fund showing the principal balance at the end of such fiscal year and the net income for such fiscal year.

Section 15. Penalties.

Violations of provisions of this Act by any person may be punishable by fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) or confinement in the county jail for a term not exceeding six (6) months, or both. However, no prosecution shall be initiated as an offense hereunder, unless the offender has first received a written warning thereof and has failed or refused within ninety (90) days after such warning to cure or correct the same. Such warning shall be given to the chief executive officer of corporation or association involved in the offense. If a person violating the provisions of this Act is a corporation or association, the officer responsible for the violation shall undergo any prison term imposed for the same.

Section 16. Severability.

The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 17. Repealer.

All laws or parts of laws which conflict with this Act are repealed.

Section 18. Effective Date.

This Act shall become effective thirty (30) days after its passage and approval by the Governor, or after its otherwise becoming a law.

Which was adopted.

Yeas 24; Nays 0.

Abstaining 1.

Yeas:

Messrs. Adams, Baker, Bank, Edwards, Ellis, Fine, Foshee, Gilmore, Higginbotham, King, Little, McMillan, Mims, Mitchell, Noonan, Owen, Perloff, Powell, Proctor, Shelby, Stewart, Teague, Vacca, Waldrop.

—24

Nays:

—0

Abstaining: Mr. Pearson.

—1

And said Bill, S. B. 194, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 3.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Goodwin, Higginbotham, Jones, King, McDonald (A), McMillan, Mims, Mitchell, Owen, Pearson, Peden, Perloff, Proctor, Shelby, Teague, Wilson.

—24

Nays: Messrs. Little, St. John, Waldrop.

—3

RESOLUTIONS

Mr. Pearson offered the following Senate Resolution, to-wit:

S. R. 425. COMMENDING ADRIENNE MARSHALL OF BIRMINGHAM, ALABAMA FOR OUTSTANDING SCHOLASTIC ACHIEVEMENT.

WHEREAS, the Senate of the Legislature of Alabama has learned with pleasure that Miss Adrienne Marshall of Birmingham, Alabama, a student at John Carroll High School, is a winner of the National Achievement Scholarship Program for Outstanding Students; and

WHEREAS, additionally, Adrienne Marshall is a member of the Mathematics National Honor Society; she also is a member of both the Spanish Club and the High Steppers, and has appeared on the television program, "Dialogue"; and

WHEREAS, Adrienne's activities further extend to include deep involvement in the Birmingham Urban League as a volunteer worker with its many worthy projects and endeavors; during the summer months she is employed by the Alexander Insurance Company; now therefore,

BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA, That we highly praise and commend Miss Adrienne Marshall of Birmingham, Alabama, for outstanding achievement.

BE IT FURTHER RESOLVED, That Miss Marshall receive a copy of this resolution as evidence of our esteem for her many accomplishments.

On motion of Mr. Pearson, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Pearson offered the following Senate Resolution, to-wit:

S. J. R. 426. COMMENDING TRACY W. JARVIS FOR OUTSTANDING SCHOLASTIC ACHIEVEMENT.

WHEREAS, the Senate of the Alabama Legislature notes with high regard the superior scholastic achievement of Tracy W. Jarvis of Birmingham, Alabama, as evidenced by his present participation in the Early Entrance Program of Morehouse College in Atlanta, Georgia; and

WHEREAS, prior to his matriculation at Morehouse, Tracy was a student at Carol W. Hayes High School in Birmingham where he ranked first, scholastically, in his junior class and in the top five percent of all junior class high school students in Jefferson County; he further was a winner of the National Achievement Scholarship Program for Outstanding Students; and

WHEREAS, Tracy Jarvis, who is an extraordinarily talented music student, also served as Junior Class President at Carol W. Hayes High School and was a member of the Student Council and of the National Honor Society; now, at Morehouse College, Tracy is an Honor Student; now therefore,

BE IT RESOLVED BY THE SENATE OF THE ALABAMA LEGISLATURE, That we most highly praise Tracy W. Jarvis for outstanding achievement, and further direct that he receive a copy of this resolution that he may know of our commendation and esteem.

On motion of Mr. Pearson, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Pearson offered the following Senate Resolution, to-wit:

S. R. 427. COMMENDING MISS CATHY F. WHITE FOR NOTABLE ACHIEVEMENT.

WHEREAS, the Senate of the Legislature of Alabama approvingly notes the many outstanding accomplishments of Miss Cathy F. White of Birmingham, Alabama; and

WHEREAS, Cathy White, who is a student at Birmingham's Shades Valley High School, is a member of both the National Honor Society and the Mathematics National Honor Society, and is a winner of the National Achievement Scholarship Program for Outstanding Students; and

WHEREAS, Cathy further serves on her school's yearbook staff, is a talented member of the Shades Valley High School Marching Band, and was voted Most Likely to Succeed in her Class of 1978; now therefore,

BE IT RESOLVED BY THE SENATE OF THE ALABAMA LEGISLATURE, That we both praise and commend Miss Cathy White for outstanding scholastic achievement and for her enthusiastic participation in school activities.

BE IT FUTHER RESOLVED, That a copy of this resolution be sent to Miss White that she may be aware of our admiration and esteem.

On motion of Mr. Pearson, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, and House Joint Resolution, your signature thereto is requested.

H. 318. To extend, alter and rearrange the boundary lines and corporate limits of the Town of Lincoln, Talladega County, Alabama; and to exempt annexed farm lands from city ad valorem taxes.

Also:

H. J. R. 438. MOURNING THE TRAGIC AND UNTIMELY DEATH OF DALE McVAY PORTER.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bill and House Joint Resolution, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Gafford, Armstrong, Waggoner, White, Andrews, Trammell, Hopping, Biddle, Boles, Falkenburg, Moore (O) and Jolly (with notice and proof):

H. 756. To amend Act No. 556 of the Regular Session of the Legislature of Alabama of 1959, approved November 19, 1959 (Ala. Acts, 1959, p. 1376), as heretofore amended, which Act established a supplemental pension and relief or retirement system for firemen and policemen who are members of any pension and relief system established under Act No. 929 of the Regular Session of the Legislature of Alabama of 1951 (Ala. Acts, 1951, p. 1579).

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 756, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 756. To the Committee on Local Legislation No. 2.

MOTION TO ADJOURN LOST

At 3:50 P.M., Mr. Peden moved that the Senate adjourn until Tuesday, April 4, 1978, at 2 o'clock, which motion was lost.

Yeas 6; Nays 23.

Yeas:

Messrs. Adams, Baker, Fine, Peden, St. John, Wilson.

—6

Nays:

Messrs. Bank, Clemon, Edwards, Ellis, Foshee, Gilmore, Goodwin, Higginbotham, King, Little, McDonald (A), McDonald (S), McMillan, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Proctor, Shelby, Teague, Vacca.

—23

RESOLUTION

Messrs. McDonald (S) and Fine offered the following Senate Joint Resolution, to-wit:

S. J. R. 428. EXPRESSING THE CONCURRENCE OF THE LEGISLATURE AND ITS SUPPORT OF THE DECISIONS OF THE EDUCATION COMMISSION OF THE STATES' TASK FORCE ON RESPONSIBLE DECISIONS ABOUT ALCOHOL.

WHEREAS, the gravity of the problems of alcohol abuse and alcoholism is universally recognized, as is the urgent need for the development of public policy supporting specific and responsible decision-making practices concerning the use of alcohol; and

WHEREAS, problems related to alcohol abuse are taking a heavy toll in economic loss and human misery in the communities of our state and nation; and

WHEREAS, though treatment of the problems is still absolutely necessary, overwhelming evidence increasingly supports the premise that to significantly reduce and solve these problems, a policy for prevention and for delivering prevention services holds urgent priority; and

WHEREAS, the Education Commission of the States, of which Alabama is a part, recently developed a partnership with the National Institute of Alcohol Abuse and Alcoholism and formed the Education Commission of the States' Task Force on Responsible Decisions about Alcohol; and

WHEREAS, the Task Force, chaired by former Governor John C. West of South Carolina, has issued its final report which sets out guidelines to be utilized by our citizens and agencies in developing comprehensive systems for delivering prevention services in a more integrated and cooperative fashion; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby express our concurrence with the report of the Education Commission of the States' Task Force on Responsible Decisions about Alcohol and recommend that its guidelines be utilized as a responsible approach to the prevention of problems of alcohol abuse and alcoholism.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Chairman West that he and his committee might be advised of

our concurrent resolution and of our appreciation for his leadership and his committee's work in this area of national concern.

Which was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 547. Relating to Rainbow City in Etowah County; to provide for a special election of the electors of Rainbow City on the issue of whether or not the people of Rainbow City want to create a separate municipal school board in Rainbow City; to provide for the termination of any municipal school system for Rainbow City in the event the voters vote to stay within the county system; and to provide for the creation of a municipal school system, in accordance with existing laws, for Rainbow City if the electors vote in favor of creating such a municipal school system.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the bill:

H. 400. Proposing an amendment to further amend Article XI, Section 217, of the Constitution of Alabama 1901 relative to ad valorem taxation; further providing for the assessment of taxable property and the levy of such tax.

And requests a Committee on Conference, and the Speaker of the House has named as a Committee on Conference on the part of the House Messrs. Manley, Carothers and Kelley.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

Mr. Owen moved that the Senate accede to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 400, the title of which is set out in the foregoing Message from the House, which motion was lost.

Yeas 14; Nays 18.

Yeas:

Messrs. Adams, Bank, Foshee, Gilmore, Goodwin, Higginbotham, Little, McMillan, Mims, Mitchell, Noonan, Owen, Perry, Roberts.

Nays:

Messrs. Baker, Clemon, Edwards, Ellis, Fine, King, McDonald (A), McDonald (S), Pearson, Peden, Powell, Proctor, St. John, Shelby, Stewart, Teague, Vacca, Waldrop.

—18

On motion of Mr. Baker, the Senate reconsidered the vote by which the motion to accede was lost.

On motion of Mr. Baker, further consideration of the motion to accede was postponed until the next Legislative Day.

MOTION TO ADJOURN LOST

At 4 o'clock P.M., Mr. Waldrop moved that the Senate adjourn until Tuesday, April 4, 1978, at 2 o'clock P.M., which motion was lost.

Yeas 9; Nays 24.

Yeas:

Messrs. Adams, Baker, Fine, McDonald (S), Pearson, Peden, St. John, Waldrop, Wilson.

—9

Nays:

Messrs. Bank, Clemon, Edwards, Ellis, Foshee, Gilmore, Goodwin, Higginbotham, King, Little, McDonald (A), McMillan, Mitchell, Noonan, Owen, Perloff, Perry, Powell, Proctor, Roberts, Shelby, Stewart, Teague, Vacca.

—24

RESOLUTION

Messrs. Pearson, Gilmore, Clemon, and McMillan offered the following Senate Resolution, to-wit:

S. R. 429. COMMENDING AND CONGRATULATING DR. WILLIAM R. HARVEY.

WHEREAS, the Senate of the Legislature of Alabama is pleased to note that Dr. William R. Harvey, Administrative Vice President at Tuskegee Institute, has been elected the twelfth President of Hampton Institute in Hampton, Virginia, which decision was announced by J. J. Henderson, Chairman of the Board of Trustees; and

WHEREAS, the recipient of his Doctorate in College Administration from Harvard University in 1971, Dr. Harvey, prior to assuming his position at Tuskegee Institute, served as Administrative Assistant to the President of Fisk University and as Assistant for Governmental Affairs to the Dean at Harvard; and

WHEREAS, his many awards include the Woodrow Wilson "Martin Luther King" Fellowship, Harvard University Higher Education Administrative Fellowship, and the Woodrow Wilson Administrative Intern Fellowship; Dr. Harvey has also authored articles published in such well-known journals as Harvard Educational Review, Columbia University's Teacher College Record, and Phi Delta Kappan; and

WHEREAS, Dr. Harvey received two presidential appointments to National Advisory Councils on Education; he is a member of the American Association of Higher Education, American Council of Education and is listed in Personalities of the South and Who's Who Among Black Americans; and

WHEREAS, as the president of Hampton Institute, Dr. Harvey will be prestigiously associated with a 110 year-old university with a student enrollment of 2,800, and which offers a curriculum in Arts and Sciences, Nursing, Architecture, Mass Media, Business, Engineering and Education; now therefore,

BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA, That we most highly commend and congratulate Dr. William R. Harvey on his selection as the twelfth President of Hampton Institute; we offer all good wishes for his every future success while expressing our regret at his loss to Tuskegee Institute and to the State of Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent Dr. Harvey that he may know of our warm wishes and high praise.

On motion of Mr. Pearson, the Rules were suspended and the Resolution was adopted by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

S. 207. To exempt the state headquarters only of the American Legion, the American Veterans of World War II, Korea and Viet Nam (a/k/a "AM-VETS"), the Disabled American Veterans, and the Veterans of Foreign Wars (a/k/a VFW) from the payment of all state, county and municipal sales and use taxes.

was taken up.

Mr. Clemon offered the following amendment to the Bill, S. B. 207, to-wit:

AMENDMENT TO S. B. 207

Amend Senate Bill No. 207 page 1 line 23, by inserting the following language after the words (a/k/a VFW)

Alabama Goodwill Industries and Alabama Sight Conservation Association and on line 31 page 1 inserting the following language after the words (a/k/a VFW) Alabama Goodwill Industries and Alabama Sight Conservation Association also amend in the title by adding on line 13 after "AKA VFW" Alabama Goodwill Industries and Alabama Sight Conservation Association.

Which was adopted.

Yeas 23; Nays 0.

Yeas:

Messrs. Adams, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, King, McDonald (A), McMillan, Mims, Mitchell, Pearson, Peden, Perloff, Powell, Proctor, Roberts, Shelby, Stewart, Vacca, Waldrop.

—23

Nays:

—0

And said Bill, S. B. 207, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 27; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Higginbotham, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Proctor, Roberts, Shelby, Stewart, Vacca, Waldrop.

—27

Nays:

—0

The Bill:

S. 554. Relating to the eighteenth judicial circuit; providing for an additional circuit court judge in such circuit and prescribing the duties, authority, and compensation of such judge.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Ellis, Foshee, Gilmore, Higginbotham, Little, McMillan, Mims, Mitchell, Noonan, Pearson, Peden, Perloff, Proctor, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop.

—23

Nays:

—0

The Bill:

S. 144. To name the National Guard Armory now under construction in Opelika, Lee County, Alabama, "Fort Alfred C. Harrison."

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Fine, Foshee, Gilmore, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Mims,

Noonan, Owen, Pearson, Peden, Roberts, Stewart, Teague, Vacca, Waldrop, Wilson.

—24

Nays:

—0

MOTION TO ADJOURN LOST

At 4:15 P.M., Mr. Waldrop inoved that the Senate adjourn until Tuesday, April 4, 1978, at 2 o'clock P.M., which motion was lost.

Yeas 7; Nays 21.

Yeas:

Messrs. Adams, Fine, Higginbotham, McDonald (S), Powell, St. John, Waldrop.

—7

Nays:

Messrs. Baker, Clemon, Ellis, Foshee, Gilmore, Goodwin, Jones, King, Little, McMillan, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Proctor, Roberts, Shelby, Teague, Vacca.

—21

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Gafford (with notice and proof):

H. 901. To authorize the governing body of Jefferson County, Alabama to offer and pay a reward to any person furnishing information which leads to the arrest and conviction of any one, or more, of the offense of embezzling, stealing, willfully or maliciously destroying, or damaging, property of such County, the board of education of said County or of any agency of the County.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 901, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Messrs. Gafford, White, Boles, Andrews, Falkenburg, Trammell, Jolly, Biddle, Waggoner and Hilliard (with notice and proof):

H. 990. To provide for an Assistant Judge of Probate of Jefferson County and to prescribe the qualifications, duties and benefits of such Assistant Judge of Probate.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 990, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 901 and 990. To the Committee on Local Legislation No. 2.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Mr. Callahan:

H. J. R. 548. COMMENDING WILLIAM T. WRIGHT, M.D.

Also:

By Mr. Biddle:

H. J. R. 549. CONGRATULATING JEFFERSON STATE WOMEN'S GYMNASTIC TEAM ON THEIR SECOND CONSECUTIVE NATIONAL CHAMPIONSHIP.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R.'s 548 and 549, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 572. Relating to Etowah County; to provide for vesting the general administration and supervision of the public schools and educational interest of certain incorporated municipalities in a city board of education.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Waldrop, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 572, the title of which is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO S. B. 572

Amend Senate Bill 572 on page 2, lines 6 through 8, by striking the words and phrases in Section 5 in their entirety and inserting in lieu thereof:

Section 5. This act shall become effective on May 2, 1978, conditioned on the rejection of a proposal submitted to a vote of the electors of Rainbow City to establish a city board of education in Rainbow City, Alabama.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Ellis, Fine, Foshee, Gilmore, Jones, King, Little, McDonald (S), Mims, Mitchell, Noonan, Owen, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Waldrop.

—25

Nays:

—0

REPORT OF
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 182. To redivide the state into judicial districts so as to create a Thirty-ninth Judicial Circuit consisting of Limestone County, to create the offices of circuit judge and district attorney in such circuit and provide for appointment to fill certain vacancies; to provide further for salary supplements and expense allowances for certain officers; for these purposes, to amend Code of Alabama 1975, Section 12-11-2; and to make an appropriation for operation of the new circuit.

Also:

S. 547. Relating to Rainbow City in Etowah County; to provide for a special election of the electors of Rainbow City on the issue of whether or not the people of Rainbow City want to create a separate municipal school board in Rainbow City; to provide for the termination of any municipal school system for Rainbow City in the event the voters vote to stay within the county system; and to provide for the creation of a municipal school system, in accordance with existing laws, for Rainbow City if the electors vote in favor of creating such a municipal school system.

U. W. CLEMON,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President: ..

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Campbell, McCorquodale, Robertson, Pegues, Lockett, Manley and Dial:

H. 522. To amend Section 16-53-3, Code of Alabama 1975, relating to the board of trustees of Livingston University, so as to further provide for the membership of such board.

Also:

By Mr. Waggoner (with notice and proof):

H. 733. To further amend Section 20 of Act No. 248 of the Regular Session of the Legislature of Alabama of 1945 (General Acts of Alabama of 1945, pp. 376-400) creating and establishing a county-wide civil service system in each county in Alabama which has a population of 400,000 or more according to the last or any future Federal census, as said Section 20 has been heretofore amended by Section 8 of Act No. 684 of the Regular Session of the Legislature of Alabama of 1977 (Ala. Acts, 1977, pp. 1196 and 1197).

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 733, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Mr. Waggoner (with notice and proof):

H. 734. To amend Section 21 of Act No. 248 of the Regular Session of the Legislature of Alabama of 1945 (General Acts of Alabama of 1945, pp. 376-400) creating and establishing in each county in Alabama which has a population of 400,000 or more according to the last or any future Federal census a county-wide civil service law.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 734, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Messrs. Waggoner, White, Falkenburg, Moore (O), Andrews, Trammell, Jolly, Armstrong, Boles, Hall and Leonard (with notice and proof):

H. 805. To further amend Section 10 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965 (Ala. Acts, 1965, pp. 717-739) establishing a retirement system for employees and officers of Jefferson County, Alabama, as heretofore amended.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 805, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Messrs. Waggoner, White, Falkenburg, Moore (O), Andrews, Trammell, Jolly, Armstrong, Boles, Hall and Leonard (with notice and proof):

H. 819. To further amend Section 12 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965 (Ala. Acts, 1965, pp. 717-739) establishing a retirement system for employees and officers of Jefferson County, Alabama, as heretofore amended.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 819, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Messrs. Merrill, Holmes (D), Shelton and Quarles:

H. 712. Proposing an amendment to the Constitution of Alabama which grants certain powers and authorities to the governing body of Calhoun County and to the governing bodies of municipalities of Calhoun County relating to economic and industrial development.

Also:

By Mr. Reed (with notice and proof):

H. 283. To provide that no state penitentiary or other state correctional or penal institution shall be located within the boundaries of Bullock County unless approved by a majority of the qualified electorate of the county.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 283, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Messrs. Hill, Greer and Coburn (with notice and proof):

H. 494. Relating to Lauderdale County; to further implement Section 9 of Act Number 160, 1971, and provide the Lauderdale County Commission the authority to employ appraisers, mappers, and clerical personnel to maintain current evaluation of all real property and valuation of personal property.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 494, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Messrs. Jolly and Towns (with notice and proof):

H. 812. Relating to Blount County; to repeal the expense allowance of

the members of the county commission; and to provide for an expense allowance for members of the county commission.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 812, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Messrs. Jolly and Towns (with notice and proof):

H. 813. Relating to Blount County; providing further for the compensation of the Board of Registrars of the county.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 813, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Messrs. Jolly and Towns (with notice and proof):

H. 814. Relating to Blount County; to provide further for the compensation of the Board of Equalization of the county.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 814, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Mr. McNees (with notice and proof):

H. 885. To regulate further the compensation and the expense allowance of the County Superintendent of Education of Fayette County; and giving retroactive effect to such expense allowance.

I hereby certify that this Notice and Proof is attached to the Bill, H. B. 885, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Mr. McNees (with notice and proof):

H. 886. To regulate further the expense allowance of the members of the Fayette County Commission and giving retroactive effect to such expense allowance.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 886, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Mr. McNees (with notice and proof):

H. 887. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Fayette, in Fayette County, Alabama.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 887, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Messrs. Mitchem and Kelley (with notice and proof):

H. 900. Relating to Marshall County; authorizing the county board of education to spend public school funds to provide comfortable office quarters, office furniture, office equipment, stationery, postage, forms, telephone service and supplies required by the county superintendent of education and his assistants.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 900, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Messrs. Holley and Folmar (with notice and proof):

H. 945. Relating to Coffee County; providing a lump sum expense allowance for members of the Board of Equalization.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 945, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Mr. Merrill (with notice and proof):

H. 947. To validate certain payments made to the registrar of Calhoun County pursuant to Act 194, 1967 Regular Session (Acts of 1967, p. 241) which were made from the effective date of the 1970 federal census to January 15, 1977.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 947, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 522. To the Committee on Education

H. B.'s 733, 734, 805, and 819. To the Committee on Local Legislation No. 2.

H. B's 712, 283, 494, 812, 813, 814, 885, 886, 887, 900, 945, and 947. To the Committee on Local Legislation No. 1.

(The above Bill, H. B. 712, was read a first time at length as required by the Constitution.)

ADJOURNMENT

At 4:35 P.M., on motion of Mr. Waldrop, the Senate adjourned until Tuesday, April 4, 1978, at 2 o'clock P.M.

TWENTY-FOURTH LEGISLATIVE DAY

TUESDAY, APRIL 4, 1978

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

PRAYER

The Session was opened with prayer by Brigadier Luther Smith, City Commander, Salvation Army, Birmingham, Alabama.

ROLL CALL

Present:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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JOURNAL

On motion of Mr. Mitchell, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the

Twenty-third Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

U. W. CLEMON,
Chairman.

COMMITTEE REPORT

On motion of Mr. Clemon, the foregoing report was concurred in and the Journal of the Senate for the Twenty-third Legislative Day was approved by the Senate.

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 430. The following Bills shall be the paramount and continuing order of business for the 24th legislative day only, upon reaching bills on third reading, taking precedence thereafter over all other business for said day:

Bill No.	Page	Description
H. B. 119	72	Cost-of-living Increase
H. B. 854	114	Publication of Poll Lists
S. B. 223	40	Industrial Revenue Bonds
S. B. 171	38	Notification of Drivers License Expiration
S. B. 318	35	National Guard Benefits Limitation
H. B. 88	70	Tuition Grant
S. B. 162	57	Personalized Motor Vehicle Plates
S. B. 453	80	Highway Department
S. B. 454	82	Highway Department
S. B. 455	82	Highway Department
S. B. 456	83	Highway Department
S. B. 457	84	Highway Department
S. B. 200	7	Investment Committee
S. B. 67	12	Treasurer's Disclosure
S. B. 553	104	Real Estate Recovery Fund
S. B. 214	59	Dauphin Island
S. B. 478	100	Annexation of Cities
S. B. 112	90	Department of Public Safety
S. B. 586	117	Chattahoochee Commission

Mr. Powell offered the following amendment to the Resolution, S. R. 430, to-wit:

AMENDMENT TO S. R. 430

Amend Senate Resolution 430 Page 1 by inserting before the first bill that appears on the special order, Senate Bill 200 page 7, of the Calendar.

On motion of Mr. Clemon, said amendment was laid on the table.

Yeas 19; Nays 9.

Yeas:

Messrs. Adams, Bank, Clemon, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Mims, Mitchell, Noonan, Owen, Pearson, Proctor, St. John, Teague, Vacca, Wilson.

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Nays:

Messrs. Baker, King, Little, McDonald (A), McDonald (S), Peden, Powell, Stewart, Waldrop.

—9

Mr. Ellis offered the following amendment to the Resolution, S. R. 430, to-wit:

AMENDMENT TO S. R. 430

Amend Senate Resolution 430 Page 1 by striking out the last bill, add S. B. 285 Hazardous Waste on page 96.

On motion of Mr. Clemon, said amendment was laid on the table.

And said Resolution was then adopted by the Senate.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Messrs. Ellis, Vacca, Wilson and Clemon (with notice and proof):

S. 756. To amend Section 19 of Act No. 248 of the Regular Session of the Legislature of 1945 (General Acts of Alabama 1945, p. 376, et seq.), to provide for the rate at which Merit System Employees shall earn annual vacation and to provide for the rate at which Merit System Employees shall earn sick leave and to also provide for the payment of earned sick leave at retirement or termination.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 756, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Owen (with notice and proof):

S. 757. To provide certain county salary supplements for all district judges serving within the Twenty-Eighth judicial circuit of this state and to provide for retroactive effect.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 757, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Messrs. Mitchell and Powell (with notice and proof):

S. 758. Relating to Crenshaw County; to authorize, provide for the licensing, regulation, operation, and hunting on privately owned hunting preserves, stocked by artificially propagated upland birds; to prescribe the fees for such licenses; to provide for their collection and distribution; and to provide for revocation of such licenses.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 758, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Peden:

S. 759. To provide for the annual distribution to certain counties, municipalities and public agencies of a percentage of the amount paid to the state by federal agencies in lieu of ad valorem taxes; and to repeal conflicting laws.

Committee on Finance and Taxation.

By Mr. Baker:

S. 760. To propose an amendment to the Constitution of Alabama to provide a single retirement system for all public officers and employees.

Committee on Finance and Taxation.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Wilson (with notice and proof):

S. 761. To further amend Section 1 of Act No. 103, H. 372, Regular Session, 1963 (Acts of Alabama 1963, p. 486) so as to further provide for the salary of the superintendent of education of Walker County.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 761, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Vacca:

S. 762. To establish an Aviation Hall of Fame; to prescribe its purposes and membership; to provide for election of members and officers and for the holding of meetings; and to appropriate funds for the use of the Board in carrying out its purposes.

Committee on Finance and Taxation.

By Mr. Higginbotham:

S. 763. To amend Section 34-6-9 and Section 34-6-10 of the Code of Alabama 1975, relating to minors being forbidden to play billiards or to remain in a billiard room so as to allow minors between the ages of 16 and 19 to play billiards and to be permitted in any billiard room where no alcoholic beverages are sold in an adjacent or connecting room or building.

Committee on Judiciary.

By Mr. Owen (with notice and proof):

S. 764. Relating to Baldwin County; to provide for the compensation and allowances of the directors of certain utility boards heretofore or hereafter established in the county; and to make the provisions of this Act retroactive to January 1, 1978.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 764 as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Fine:

S. 765. Relating to authorizing county governments in Alabama to appropriate funds to Community Action Agencies.

Committee on Finance and Taxation.

By Mr. Fine:

S. 766. Relating to authorizing an appropriation from the State Special Educational Trust Fund of Alabama for distribution through Community Action Agencies and the Community Services Administration of the Alabama Development Office to the different counties.

Committee on Finance and Taxation.

By Mr. Mims (with notice and proof):

S. 767. Relating to Escambia County; providing for the payment or reimbursement by said county to the members, including the chairman of the county commission, of their actual expenses incurred in the performance of their duties outside the county, including expenses incurred by them in attending conventions of the National Association of County Commissioners and the Alabama Association of County Commissioners.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 767, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Mims (with notice and proof):

S. 768. Relating to Escambia County; to provide for the compensation of the sheriff and all deputies sheriff other than the chief deputy sheriff in such county.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 768, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Mims (with notice and proof):

S. 769. Relating to Escambia County; to provide for the compensation of the sheriff of said county.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 769, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Mims (with notice and proof):

S. 770. Relating to Escambia County; to allow students of cosmetology or barbering in such county who have completed 250 hours of study in a registered school of cosmetology or barbering to work in a duly registered beauty shop or barber shop during non-school hours.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 770, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Mims (with notice and proof):

S. 771. Relating to Escambia County; to provide that the county commission of Escambia County may allocate and distribute among the several presently incorporated municipalities of Escambia County on a pro rata basis 33 1/3 percent of any oil and gas privilege tax monies which may be received by Escambia County under the authority of any general or local law enacted by the legislature of Alabama after January 1, 1978.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 771, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Mims (with notice and proof):

S. 772. Relating to Escambia County; to amend further Act No. 411, H. 742, 1963 Regular Session (Acts 1963, p. 912), as amended, which act creates a county governing body for Escambia County, so as to authorize the governing body to establish a personnel board for the county and to prescribe the powers, duties and compensation of any such board; and to repeal Act 497, H. 1149 of the 1977 Legislature of Alabama (1977 Acts, p. 648) entitled, "An Act To provide for the establishment of a merit system for certain counties and municipal law enforcement officers in Escambia County, Alabama, and a merit system board governing the removal and official conduct of such officers; defining violations of the act; imposing penalties for violations; and repealing conflicting laws."

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 772, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Mims (with notice and proof):

S. 773. To create an Industrial Development Authority for Escambia County for the purpose of promoting industry and trade and the development of said county; to provide for the organization, powers, functions, duties and personnel of such Authority and to provide for the payment of the expenses of such Authority and for the compensation of its employees.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 773, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Fine (with notice and proof):

S. 774. Relating to Marion County, to authorize and require the county board of education to provide the superintendent of education an annual expense allowance; to provide retroactive effect; and to repeal conflicting laws.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 774, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. St. John (with notice and proof):

S. 775. To increase the salaries of certain officials of Cullman County and to provide for the manner of their payment.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 775, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. St. John (with notice and proof):

S. 776. Relating to Cullman County; to provide for the distribution and expenditure of any payments coming into the treasury of Cullman County that are derived, directly or indirectly, from payments by the Tennessee Valley Authority in lieu of the payment of ad valorem taxes.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 776, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. St. John (with notice and proof):

S. 777. Relating to Cullman County, to regulate further the compensation of the tax assessor and tax collector and to repeal conflicting laws.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 777, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. St. John (with notice and proof):

S. 778. Relating to Cullman County; to regulate employment practices with regard to road employees; to establish a county road personnel board and provide for its powers, jurisdiction, duties, compensation and allowances, membership, office space, supplies, equipment and clerical assistance; to provide for examination of job applicants; to establish procedures for employment and for suspension, discharge and other disciplinary actions and to provide for appeals from such actions and from decisions of the board; to prescribe duties and powers of the county governing body and the sheriff with regard to the board; to provide penalties for certain violations; to prohibit certain activities on the part of employees; to make the effectiveness hereof contingent upon the enactment of Senate Bill 346 of the 1978 Regular Session and its approval by the electors of the county at the referendum election provided for therein.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 778, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. St. John (with notice and proof):

S. 779. Relating to Cullman County; to authorize the county governing body to expend county funds without regard to the competitive bid law, to purchase supplies and equipment for volunteer fire departments and fire units.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 779, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. St. John (with notice and proof):

S. 780. To authorize municipalities of Walker County to elect to participate in the county civil service system and to provide for certain fees for employees of municipalities which so elect to be covered by the county merit system.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 780, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. St. John (with notice and proof):

S. 781. Relating to Walker County, to create a license-issuing division within the probate judge's office for the issuance of certain licenses; to provide for the selection of personnel for such license-issuing division; to provide certain duties for the division; to abolish the office of county license inspector as of January 1, 1979; to provide for an optional procedure for the renewal of motor vehicle licenses in the county by mail; to authorize certain additional fees and costs pursuant to such system of renewal of motor vehicle licenses by mail; to create a special fund in the county treasury to receive such additional fees and costs of renewal by mail; and to authorize the establishment of auxiliary stations within the county for the sale of motor vehicle licenses and tags or decals.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 781, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. St. John (with notice and proof):

S. 782. To provide that no state penitentiary or other state correctional or penal institution shall be located within the boundaries of Walker County unless approved by a majority of the qualified electorate of the county.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 782, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Peden:

S. 783. To appropriate two hundred fifty million dollars (\$250,000,000) from the Alabama Special Educational Trust Fund, over a designated period, for capital improvements for public educational purposes, including libraries, laboratories and facilities for athletics, recreation and physical education, and research facilities, including the acquisition of land, for colleges and universities, vocational-technical institutes, junior colleges, elementary-secondary school systems and special schools; to provide how said monies shall be spent by the state board of education and the Alabama Commission on Higher Education.

Committee on Finance and Taxation.

By Mr. Edwards:

S. 784. To amend Section 36-27-16, Code of Alabama 1975, relating to the state employees' retirement system, so as to remove the monetary penalty or reduction factor on pensions for individuals who retire prior to retirement age because of a physical disability.

Committee on Finance and Taxation.

By Mr. Edwards:

S. 785. To amend Section 40-6-1 of the Code of Alabama 1975, relating to certain supernumerary county officials charged with the assessment and/or collection of any ad valorem taxes in certain counties of the state, so as to provide for supernumerary status of such officials in all counties and to provide further for the qualifications of such supernumeraries.

Committee on Finance and Taxation.

By Mr. Edwards:

S. 786. To amend Section 40-12-244, Code of Alabama 1975, relating to exemption from license taxes and registration fees, so as to remove such exemption for active members of any United States armed forces reserve organization.

Committee on Finance and Taxation.

SPECIAL ORDER BILLS ON THIRD READING

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first item of which was the Bill:

H. 119. To provide, in addition to benefits now received, a cost-of-living increase in retirement benefits for persons retired or otherwise receiving benefits under the state employees' or teachers' retirement systems prior to October 1, 1977; to specifically exclude certain persons from the provisions hereof; to make the provisions hereof optional to each county or municipality having retired employees participating in either state retirement system; to

make appropriations to carry out the provisions hereof; and to repeal conflicting laws.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, H. B. 119, to-wit:

SUBSTITUTE FOR H. B. 119

A BILL TO BE ENTITLED AN ACT

To provide, in addition to benefits now received, a cost-of-living increase in retirement benefits for persons retired or otherwise receiving benefits under the state employees' or teachers' retirement systems prior to October 1, 1977; to specifically exclude certain persons from the provisions hereof; to make the provisions hereof optional to each county or municipality having retired employees participating in either state retirement system; to make appropriations to carry out the provisions hereof; and to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. Except as hereinafter provided, each person having retired under the provision of statutes governing the Teachers' Retirement System or the Employees' Retirement System of Alabama prior to October 1, 1977, shall be entitled to receive, in addition to present benefits, a supplemental benefit in an amount based upon his present benefits, according to the following schedule:

Present Benefits (\$ per month)	Supplemental Benefit (\$ per month)
Less than 200.00	60.00
200.00-299.00	40.00
300.00-or over	30.00

Section 2. (a) There is hereby appropriated from the Alabama Special Educational Trust Fund to the Teachers' Retirement System of Alabama the sum of \$6,424,920 (estimated), or as much as is necessary to carry out the provisions of this act, as they relate to the Teachers' Retirement System of Alabama, for the fiscal year beginning October 1, 1978 and for each fiscal year thereafter in which the Legislature of Alabama continues to authorize the benefits herein provided.

(b) (1) To the extent that the provisions of this Act apply to the Employees' Retirement System of Alabama, there is hereby appropriated from the funds from which salaries are paid the amounts sufficient to carry out the provisions of Section 1 of this Act for the fiscal year beginning October 1, 1978, and for each fiscal year thereafter in which the Legislature of Alabama continues to authorize the benefits herein provided. In the case of those departments supported wholly by transfers from other state funds, there is hereby appropriated from the supporting funds such additional amounts as may be necessary to pay the employer contribution of each department so supported in the same proportion as the other state funds contribute to the support and maintenance of such departments, for the fiscal year beginning October 1, 1978, and for each fiscal year thereafter in which the Legislature of Alabama continues to authorize the benefits herein provided.

(2) The board of control of the Employees' Retirement System of Alabama shall determine annually the amount required to pay the cost of the increased allowances under Section 1 of this Act and shall notify the chief fiscal officer of each employer the per centum rates of earnable compensation of the members required to be paid to the retirement system. Each employer of members of the Employees' Retirement System of Alabama shall pay on account of the increases provided in Section 1 of this Act in the same manner and from the same source of funds as is provided in Section 36-27-24 of the Code of Alabama 1975, it being the intent of the Legislature that the cost of providing the increases in Section 1 of this Act shall be distributed from all funds in proportion to the salaries paid therefrom for active members.

(c) Subsequent appropriations shall be reduced to only the amount necessary to fund the benefit increases herein provided in Section 1 of this Act.

(d) No person whose retirement under the teachers' or state employees' retirement system is based primarily upon service as an employee of a county, municipality or other local employer shall be entitled to the benefits provided in Section 1 of this Act, unless the county, municipality or other local employer by which he was employed elects to come under the provisions of said section. Any county, municipality or other local employer making such election must bear the cost of supplemental benefits paid to its former employees pursuant to this Act.

Section 3. The cost-of-living benefit provided retirees herein shall remain in effect only so long as the Alabama Legislature continues to authorize and fund such benefits. In no way shall this Act be interpreted as to constitute a continuing obligation of the funds of the Teachers' or Employees' Retirement Systems of Alabama.

Section 4. (a) Any person whose eligibility to receive benefits under the Medicaid program would be impaired by the supplemental benefits provided in Section 1 shall not be entitled to receive said supplemental benefits.

(b) Any person retired under the Judicial Retirement System provided for in Code of Alabama 1975, Chapter 12-18, shall not be deemed a retiree of the teachers' or employees' retirement systems for purposes of this Act, and shall not be entitled to receive the supplemental benefits herein provided.

(c) Any person retired under the provisions of Code of Alabama 1975, Section 36-27-7 and Act No. 807 of the 1977 Regular Session (now appearing as Code of Alabama 1975, Section 36-27-7.1) shall not be entitled to the supplemental benefits herein provided.

Section 5. The provisions of this Act are supplemental. It shall be construed in *pari materia* with other laws regulating and providing for the payment of retirement benefits to retired members of the Teachers' and Employees' Retirement Systems of Alabama; however, those laws or parts of laws which are in direct conflict or inconsistent herewith are hereby repealed.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. The provisions of this Act shall become effective October 1, 1978, following its passage by the Alabama Legislature and approval by the Governor.

FURTHER CONSIDERATION OF H. B. 400

The Senate proceeded to further consideration of the Message from the House (set out in the Journal of the Senate for the Twenty-third Legislative Day), containing the request of the House for a Conference Committee on the disagreement of the two Houses on the Senate amendment to the Bill:

H. 400. Proposing an amendment to further amend Article XI, Section 217, of the Constitution of Alabama 1901 relative to ad valorem taxation; further providing for the assessment of taxable property and the levy of such tax.

The question was on the motion of Mr. Owen that the Senate accede to the request of the House for a Conference Committee.

On motion of Mr. Fine, further consideration of the pending motion was postponed until the next Legislative Day.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Biddle, III, Waggoner, Gafford, White, Moore (O), Trammell, Andrews, Armstrong and Falkenburg.

H. J. R. 520. HONORING DAVE CAMPBELL, BIRMINGHAM RADIO PERSONALITY.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Gilmore, the Rules were suspended and the Resolution, H. J. R. 520, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

FURTHER CONSIDERATION OF H. B. 119

The Senate proceeded to further consideration of the Bill, H. B. 119.

The question was on the substitute reported by the Standing Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Gafford and Moore (O):

H. J. R. 491. VOICING APPRECIATION TO MS. JOYCE MORRIS, DISPENSER OF FAVORS.

Also:

By Mr. Boles:

H. J. R. 503. COMMENDING AND CONGRATULATING THE PITTMAN JUNIOR HIGH SCHOOL FOOTBALL TEAM ON THEIR CHAMPIONSHIP SEASON.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolutions, H. J. R.'s 491 and 503, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

REPORTS OF COMMITTEES

Mr. Gilmore, Chairman of the Standing Committee on Constitution and Elections, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Venable:

H. 173. To revise and amend certain provisions of Chapter 10 of Title 17, Code of Alabama 1975, so as to provide for an "absentee election manager" to fulfill the duties imposed by Chapter 10 relating to absentee voting. This bill makes optional the performance of these duties by the circuit register or clerk.

Mr. McDonald (S), Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Smith (C):

H. 139. To amend Act No. 281 adopted at the 1969 Regular Session of the Legislature of Alabama relating to the promotion of safe transportation of pupils to and from schools and in school related activities; to directing the state board of education to prescribe certain rules and regulations designed to promote this purpose; to the provision of school transportation managers or supervisors; to prescribing certain equipment for school buses; to the provision for safety inspection of school buses; to the provision for special training and licensing of school bus drivers; and to the prescribing of penalties.

By Mr. Goodwin:

S. 392. To amend Section 38-7-2 of the Code of Alabama 1975 so as to exempt certain church related facilities and programs from the provisions of the Child Care Act of 1971.

Mr. Baker, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Mitchell and Powell (with notice and proof):

S. 704. To allow those county employees who but for Section 3 of Act No. 176 of the 1959 Regular Session of the Alabama Legislature would have

contributed to the Montgomery County Employees' Retirement System to pay the amount not deducted plus interest and thereby receive credit for membership in the Montgomery County Employees' Retirement System for the period of time when such monies were not contributed.

By Mr. Edwards (with notice and proof):

S. 723. Relating to the Thirty-Sixth Judicial Circuit; to provide for the assessment and collection of an additional filing fee on each district and circuit court case filed with the clerk's office in the Thirty-Sixth Judicial Circuit to be used to establish and maintain a law library in said circuit.

By Mr. Owen:

S. 739. To amend Section 3 (g) of Act No. 352, approved August 23, 1957, now appearing in Section 9-17-83 (7) Code of Alabama 1975, relating to the unit operation of a field for the production of oil or gas so as to provide further for such unit operation in production from the Lower Cretaceous geological formation between depths of 10,500 feet and 11,500 feet subsea in which tertiary recovery methods are utilized.

By Mr. Morris (with notice and proof):

H. 663. To alter and rearrange the boundaries of the city of Alexander City in Tallapoosa County, so as to exclude certain territory from the corporate limits of the city.

By Messrs. Turnham, Ward and Whatley (with notice and proof):

H. 768. To authorize the governing body of Lee County, Alabama, to levy and collect special county privilege and license taxes, generally paralleling the state sales taxes provided for in Division 1 of Article 1 of Chapter 23 of Title 40 of the Code of Alabama of 1975, as amended, and special county excise taxes generally paralleling the state use taxes provided for in Article 2 of Chapter 23 of Title 40 of the Code of Alabama of 1975, as amended; to provide for the ascertainment, collection, payment, distribution and use of the proceeds of the said taxes if levied by the said governing body, and for the enforcement of this act by the State Department of Revenue; to specify the maximum duration for which any such taxes may be levied; to prescribe penalties and fix punishment for violations of this act; and to authorize the governing body of Lee County, Alabama, in its discretion, to call and hold an advisory election on the question of the levy of such taxes, which such election shall not be in any way binding on the said governing body.

By Messrs. Barron, Harris, Wyatt and Langford (with notice and proof):

H. 822. Relating to Montgomery County; to change the method of compensating the tax assessor, placing said official on a salary basis; to provide that the fees, commissions and allowances provided such official shall be paid into the county treasury; and provide that the cost of the operation of the office of tax assessor shall be borne in part by the City of Montgomery.

By Messrs. Barron, Harris, Wyatt and Langford (with notice and proof):

H. 823. Relating to Montgomery County; to change the method of compensating the tax collector, placing said official on a salary basis; to provide that the fees, commissions and allowances provided such official shall be paid into the county treasury; and provide that the cost of the

operation of the office of tax collector shall be borne in part by the City of Montgomery.

By Messrs. Barron, Wyatt and Langford (with notice and proof):

H. 825. Relating to Montgomery County; to change the method of compensating the license inspector, placing said official on a salary basis; and to provide that the fees, commissions and allowances provided such official shall be paid into the county treasury.

By Mr. Wyatt (with notice and proof):

H. 851. To authorize the governing body of Montgomery County to establish and maintain firefighting districts within such county; to enter into agreements with Volunteer Fire Departments within such county for fire protection and services; to set fees for fire protection services within said county; and to prescribe the manner of collection and distribution of such fees.

By Messrs. Baker and Whatley (with notice and proof):

H. 897. To amend Section 4.02 of Act No. 71, H. 114, Regular Session 1977 (Acts of 1977, p. 78), entitled "To permit any city in the State of Alabama having a population of not less than 23,000 nor more than 27,000 inhabitants according to the 1970 or any subsequent federal decennial census to adopt the council-manager form of municipal government, to provide for the calling and holding of elections to vote thereon, to provide for the election and term of the first council, to define the legal status, form of government and powers of the city, to provide for subsequent elections of members of the council, their number and their terms of office, to provide for the qualification, powers and authority of the council, the mayor and the city clerk, and for the election of the mayor and city clerk, to provide for the appointment and removal and to define the powers of the city manager, to provide for an annual budget, its preparation, submission, adoption and effect, to create and define the powers and duties of a department of finance and of the director thereof, to regulate purchases and contracts of the city, and to define their powers and authority, to set up the terms and effects of succession in government of any city adopting the council-manager form of government, to provide for the establishment and re-establishment of districts, to make various other provisions for such form of government of any such city, and to provide for the means of abandoning the council-manager form of government", so as to provide that the city manager shall have authority to appoint and remove officers and employees of any municipally owned public utility and any municipally owned service enterprise.

By Mr. McCulley (with notice and proof):

H. 919. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Citronelle in Mobile County.

By Mr. Smith (J) (with notice and proof):

H. 838. To alter and rearrange the boundaries of the municipality of Taylor in Houston County, so as to exclude certain territory from the corporate limits of the municipality.

By Messrs. Carter and Moore (W) (with notice and proof):

H. 942. To amend Section 6 of Act No. 801, H. 99, 1977 Regular Session (Acts of 1977, p. 1381) entitled, "An Act Further regulating the trapping of

fur-bearing animals in the State of Alabama; amending Title 8, Section 91, Code of Alabama, 1940 (Recompiled 1958), so as to increase the fees chargeable for the issuance of trapping licenses, prescribing additional regulations relative to traps and designating additional criminal offenses relative to trapping of fur-bearing animals; placing strict civil liability upon persons who cause injury or damages to persons or property as a result of trapping fur-bearing animals; further regulating the trapping of fur-bearing animals on any state highway right-of-ways; providing that traps shall be checked on a periodic basis; prohibiting the suspending of bait over steel traps; prescribing criminal penalties; and requires certain reports to be filed by trappers and fur dealers," so as to provide that the provision of Sections 2 and 3 of said act shall not apply to Limestone County.

By Messrs. Barron, Wyatt, Harris and Langford (with notice and proof):

H. 826. Relating to Montgomery County; providing penalties for littering a public thoroughfare.

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Barron, et al:

H. 824. To provide for the termination of alimony under a decree of divorce upon proof that the spouse receiving such alimony has remarried or that such spouse is living openly or cohabiting with a member of the opposite sex.

Mr. Baker, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Edwards (with notice and proof):

S. 748. Relating to Lawrence County; to provide for salary supplements for the Circuit Judge of the Circuit composed of Lawrence County, payable from the county treasury.

By Messrs. Holley and Folmar (with notice and proof):

H. 945. Relating to Coffee County; providing a lump sum expense allowance for members of the Board of Equalization.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Messrs. Biddle, Waggoner, Gafford, White, Moore (O), Armstrong, Trammell, Hopping, Falkenburg and Andrews:

H. J. R. 512. COMMENDING MR. HAL BURNS OF BIRMINGHAM, ALABAMA.

Also:

By Mr. Biddle:

H. J. R. 536. MOURNING THE DEATH OF COACH ERNEST LESTER TUCKER.

Also:

By Mr. Andrews:

H. J. R. 541. COMMENDING MR. LARRY ADCOCK OF BIRMINGHAM, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolutions, H. J. R.'s 512, 536, and 541, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Messrs. Ford, Taylor and Rich:

H. J. R. 462. CONGRATULATING KIMBERLY DOWDY, ALABAMA'S "MISS LA PETITE" FOR 1977-1978.

Also:

By Mr. Ford:

H. J. R. 463. CONGRATULATING SCOTT MOATES FOR OUTSTANDING ATHLETIC ACHIEVEMENT.

Also:

By Mr. Andrews:

H. J. R. 468. VOICING OUR APPRECIATION FOR THE HONOR BESTOWED BY STUDENTS OF THE W. J. CHRISTIAN SCHOOL UPON THE ALABAMA LEGISLATURE.

Also:

By Mr. McMillan:

H. J. R. 470. MOURNING THE DEATH OF BERTRAM FEIST BRYANT, BALDWIN COUNTY CIVIC LEADER.

Also:

By Messrs. Venable, Owens and Plaster:

H. J. R. 472. MOURNING THE DEATHS OF YOUNG RICHIE AND BOBBY APPLIN.

Also:

By Mr. Starkey:

H. J. R. 473. CONGRATULATING MR. WILLIE STEWART, NAMED "PANTHER OF THE YEAR".

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolutions, H. J. R.'s 462, 463, 468, 470, 472, and 473, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Mr. Dial:

H. J. R. 526. COMMENDING THE RURAL DEVELOPMENT COMMITTEE, CLEBURNE COUNTY.

Also:

By Mr. Dial:

H. J. R. 527. COMMENDING THE RURAL DEVELOPMENT COMMITTEE, CLAY COUNTY.

Also:

By Mr. McMillan:

H. J. R. 528. COMMENDING EDGAR EUGENE KINSEY FOR OUTSTANDING PERFORMANCE OF DUTY.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolutions, H. J. R.'s 526, 527, and 528, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Moody (O):

H. J. R. 550. REQUESTING HIGHWAY DIRECTOR TO PLACE MARKERS ON ALABAMA RIVER ON I 65 IN MONTGOMERY, ALABAMA

WHEREAS, the bridge on Highway I-65 that spans the Alabama River in Montgomery, Alabama is not marked and there is no way for visitors to determine the name of the river that it crosses; and

WHEREAS, the Alabama River has been a significant part of our history and will continue to be in the future; and

WHEREAS, the Riverboat is a tourist attraction in our Capitol City but since there are no markings on the highway, many tourists are out of the City before they realize that the bridge they crossed spans the Alabama River.

NOW THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we respectfully ask the State Highway Department and its Director to place proper marking at both ends of the bridge spanning the Alabama River in Montgomery, Alabama on I-65 as an aid to travelers.

BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to the Highway Department, State of Alabama.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 550, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Waggoner, White, Leonard, Lockett, McCluskey, Naramore and McNair:

H. J. R. 516. COMMENDING THE BIRMINGHAM-SOUTHERN COLLEGE BASKETBALL TEAM.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 516, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

FURTHER CONSIDERATION OF H. B. 119

The Senate proceeded to further consideration of the Bill, H. B. 119.

The question was on the substitute reported by the Standing Committee on Finance and Taxation.

BILL RE-REFERRED

Mr. Jones, Chairman of the Standing Committee on State Government, reported that said committee, in session, had acted on the following Bill, S. B.

215, and ordered same returned to the Senate with the recommendation that it be re-referred to another Committee.

And the President and Presiding Officer of the Senate ordered said Bill, S. B. 215, re-referred to the Standing Committee on Seaports and Inland Waterways.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Boles and Hall (with notice and proof):

H. 922. Relating to Jefferson County; to provide for the payment of debts upon the annexation of a fire district, or a portion thereof, by municipal corporations, and to specifically repeal and supersede Act No. 604, H. 541, 1976 Regular Session (Acts 1976, p. 820).

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 922, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 922. To the Committee on Local Legislation No. 2.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Cross (with notice and proof):

H. 1016. Relating to Lawrence County; providing for the appointment and compensation of a clerk for the sheriff, providing retroactive effect, and repealing conflicting laws.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1016, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Messrs. Goodwin and Coburn (with notice and proof):

H. 1017. To Provide for the City of Muscle Shoals, Alabama, a civil service system governing the appointment, removal, salaries, promotions, tenure, training and official conduct of employees of the police department,

fire department and city clerk's office of the city; defining violations of the Act, and imposing penalties for violations thereof.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1017, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Messrs. Goodwin, Coburn and Weeks (with notice and proof):

H. 1018. Relating to Franklin County, Alabama; authorizing the state highway department to use county funds to maintain and repair mail route roads, school bus routes and cemetery roads; maintain area to and around Franklin County sanitation containers; to determine and establish authority concerning certain other roads.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1018, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Messrs. Goodwin, Coburn and Weeks (with notice and proof):

H. 1019. Relating to Franklin County, Alabama; relating to certain authority and duties of the County District Engineer.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1019, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

By Mr. Naramore (with notice and proof):

H. 1020. Relating to Walker County, to further provide for the duties and authority of the chairman of the board of registrars, to provide for the appointment of deputy registrars and to prescribe the duties, authority and compensation of such deputy registrars.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1020, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Mr. Naramore (with notice and proof):

H. 1021. Relating to Walker County; to provide an increase in the expense allowance for the county treasurer.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1021, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Mr. Reed (with notice and proof):

H. 1049. Relating to Bullock County; to give the County Commission certain powers in regard to constructing and maintaining roads and rights-of-way leading to private dwellings.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1049, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Mr. Dial (with notice and proof):

H. 1039. Relating to Cleburne County; to submit a proposition to the voters of said county relating to the days and hours the county courthouse may be open.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1039, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Mr. Dial (with notice and proof):

H. 1038. Relating to Clay County; to provide for the night hunting and taking of raccoons and opossums with the use of a light and/or shotgun using shot no larger than a number eight, or with a 22-caliber rimfire rifle using 22-caliber-short ammunition.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1038, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Mr. Campbell (with notice and proof):

H. 1026. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Butler, in Choctaw County.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1026, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 1016, 1017, 1018, 1019, 1020, 1049, 1039, 1038, and 1026. To the Committee on Local Legislation No. 1.

FURTHER CONSIDERATION OF H. B. 119

The Senate proceeded to further consideration of the Bill, H. B. 119.

The question was on the substitute reported by the Standing Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Reed (with notice and proof):

H. 999. To authorize the establishment of branch banks in Macon County.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 999, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Messrs. Leonard, Trammell, Moore (O), Falkenburg, White, Waggoner, Jolly, Hall, Hopping and Howard (with notice and proof):

H. 894. To further amend Section 1 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965 (Ala. Acts, 1965, pp. 717-739) establishing a retirement system for employees and officers of Jefferson County, Alabama as heretofore amended.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 894, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Messrs. Boles, Armstrong and Trammell (with notice and proof):

H. 923. To amend Section 1 of Act No. 458, H. 1175, Regular Session 1975 (Acts of Alabama 1975, p. 1085) relating to the election of certain assistant county officials of Jefferson County to serve in the branch offices in the City of Bessemer so as to provide that the term of the Assistant Tax Assessor and Assistant Tax Collector shall be concurrent with the Tax Assessor and Tax Collector of the County.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 923, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Mr. Jolly (with notice and proof):

H. 941. Relating to Jefferson County; to prescribe the civil service system status of certain truck weight inspectors and transfer agents employed in the sheriff's office of said county.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 941, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Mr. Waggoner (with notice and proof):

H. 946. To further amend Act No. 79, H. 99, 1966 Special Session (Acts 1966, p. 106), which act provides for the creation and operation of districts for fire protection and certain other public services in Jefferson County, so as to provide that service charges levied by such districts shall be obligations of property owners of the district served.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 946, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Messrs. Langford and Wyatt (with notice and proof):

H. 969. To provide further for the mutual time exchange by members of the Fire Department of the City of Montgomery in Montgomery County, Alabama.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 969, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 999 and 969. To the Committee on Local Legislation No. 1.

H. B.'s 894, 923, 941, and 946. To the Committee on Local Legislation No. 2.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Albright (with notice and proof):

H. 904. To provide for a law enforcement officers' bill of rights for Madison County and all its municipal law enforcement agencies, and Firefighters of the City of Huntsville; defining certain rights of any officer or firefighter accused of misconduct; providing for adequate prior notice to officer or firefighter accused of misconduct when dismissal or demotion are involved; providing that any law enforcement officer or firefighter may bring civil suit for damages suffered while on official duty; providing that no officer or firefighter may have disciplinary action taken against him by reason of exercising the rights granted hereby; providing for the receipt and processing of all written complaints; and providing sanctions by the district attorney or state attorney by writ of injunction for non-compliance with the provisions of this Act; and repealing conflicting laws.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 904, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 904. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 491. To authorize, provide for and regulate the establishment and operation of a pension and retirement system for employees of the City of Childersburg and certain municipal boards of such city; to authorize and provide for the establishment of the Childersburg Employees Pension Trust Fund, provide for the composition, management and administration of such trust funds; and to authorize, provide for and regulate the payments of benefits under the system.

Also:

S. 471. Relating to Crenshaw County; providing an additional expense allowance for the county coroner.

Also:

S. 465. Relating to Crenshaw County, providing certain compensation to members of the county hospital board in lieu of expense reimbursements now payable to such persons, and repealing conflicting laws.

Also:

S. 338. To amend Section 2 of Act No. 50, H. 91 of the 1977 First Special Session (Acts of 1977, p. 1472) entitled, "An Act Relating to all counties having a population of not less than 35,000 nor more than 38,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide additional compensation for the members of the county commission," so as to provide that the additional compensation be paid out of any county fund or funds, including the road and bridge fund.

Also:

S. 337. To amend Section 4 of Act No. 182, H. 439, Regular Session 1977, which act provides for the reidentification of registered voters of Chambers County so as to further provide for the compensation of the members of the board of registrars for attendance upon special sessions of the board.

Also:

S. 336. To repeal Act No. 70, S. 60 of the 1977 First Special Session of the Legislature (Acts of 1977, p. 1499) entitled, "An Act Relating to all counties having a population of not less than 35,000 nor more than 38,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide additional compensation for members of the county commission.

Also:

S. 527. To apply in Jefferson County, Alabama, and to authorize the County Board of Health in such county to solicit, receive, hold or dispose of by sale or otherwise any gifts, grants, devises and bequests of money, real estate or any other thing of value and to use Jefferson County Board of Health funds to match or supplement any such gifts, grants, devises and bequests of money, real estate or any other thing of value to carry out the purpose or purposes for which any such gifts, grant, devise or bequest of money, real estate or other thing of value was given or granted; to further authorize said Board to purchase, sell or exchange any real or personal property needed to carry out the functions of said Board.

JOHN W. PEMBERTON,
Clerk.

FURTHER CONSIDERATION OF H. B. 119

The Senate proceeded to further consideration of the Bill, H. B. 119.

The question was on the substitute reported by the Standing Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 567. To propose an amendment to the Constitution of Alabama relating to fees and compensation of officers and the costs and charges of courts in Russell County.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Higginbotham, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 567, the title of which is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO S. B. 567

Amend S. B. 567, page 2, lines 7 through 13 by deleting old Section 2 in its entirety and inserting in lieu thereof the following new Section 2:

Section 2. An election upon the proposed amendment is ordered to be held on the same day as the next general election of state and county officers on the first Tuesday after the first Monday in November, 1978. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended and Sections 17-7-1 through 17-7-6 of the Code of Alabama 1975.

Also, on page 2, Section 4, lines 22 through 24, amend by striking Section 4 in its entirety.

Yeas 25; Nays 0.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Ellis, Fine, Foshee, Gilmore, Higginbotham, King, Little, McMillan, Mims, Noonan, Owen, Peden, Perloff, Perry, Powell, Shelby, Stewart, Teague, Vacca, Waldrop, Wilson.

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Nays:

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MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Morris (with notice and proof):

H. 1013. Relating to Tallapoosa County; to amend Section 1 of Act No. 487, S. 628, Regular Session 1969 (Acts of 1969, p. 948), entitled "Relating to Tallapoosa County; to regulate further the compensation and expense allowances of members of the county governing body", so as to increase the salary of the members of the county commission.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 781, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Mr. McCluskey (with notice and proof):

H. 1002. Relating to Talladega County; to provide that the county governing body in regulating and providing for the use of voting machines in all elections in the county may, in the manner herein prescribed, divide any voting precinct of the county into territories, designate in each territory a voting center at which the qualified electors of the territory so designated may vote, and prescribe the number of voting machines to be maintained at each voting center; and to provide election officers for each voting center; and to provide election officers for each voting center designated by the county governing body, prescribe the duties of such election officers, and fix their compensation.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1002, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Mr. McCluskey (with notice and proof):

H. 1001. Relating to Talladega County; to provide a salary supplement to the circuit court register.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1001, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Messrs. Venable and Plaster (with notice and proof):

H. 980. Relating to Elmore county; to levy an excise and privilege tax on the severance of clay, sand and gravel in said county; to provide for the collection, payment, and administration of such tax; and to provide for the disposition of the proceeds from such tax.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 980, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Mr. Crowe (with notice and proof):

H. 781. Providing for purging the lists of registered voters in Walker County; requiring and prescribing the procedure for the reidentification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the reidentification of registered voters; and providing a penalty for willfully making a false statement in connection with reidentification.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 781, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Mr. Crowe:

H. 331. Relating to the 14th judicial circuit, providing further for the salary of the secretary of the jury commission.

Also:

By Mr. McCulley (with notice and proof):

H. 1005. Relating to Washington County; to provide further for the compensation of poll officials and poll workers.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1005, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Messrs. Martin, Roberts, Cross and Drake (with notice and proof):

H. 1003. To amend Act No. 324, Regular Session of 1965 (Acts 1965, Regular Session p. 443), which Act establishes a Merit System for the City of Decatur, amending Section 2 of said Act so as to clarify the same regarding consultants in the exempt service by deleting the word temporary therefrom so that the same covers positions of consultants rendering professional service; and by making provision for any of the positions in the exempt service filled by persons formerly employed in like positions with a public corporation, including The Public Park and Recreation Board of the City of Decatur, Alabama, whose function involving such positions has been transferred to the City of Decatur at a time when such employees were so employed, to be placed in the classified service upon resolution of the governing body after favorable recommendation of the board, with the resolution of the governing body to prescribe the conditions under which the employee holding such position may acquire permanent status so long as such position remains in the classified service.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1003, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Messrs. Shoemaker, Moore (O) and Dial (with notice and proof):

H. 1009. Relating to Talladega County; providing for the compensation of the tax assessor and tax collector.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1009 as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Mr. McCulley (with notice and proof):

H. 1010. To prescribe that in Washington County all county revenues from ad valorem taxes collected pursuant to the reappraisal values, based on Amendment No. 325 to the Constitution of 1901 and related legislation to the amendment, in excess of such county ad valorem taxes collected on appraisal values in effect before the ratification of said Amendment No. 325 to the Constitution of 1901 and the enactment of related legislation to the amendment, and not otherwise encumbered before the passage of this act or not constitutionally prohibited, shall be placed in the county road fund of Washington County and expended for the construction, repair and maintenance of county roads and bridges.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1010, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Mr. Morris:

H. 1011. Relating to counties having population of not less than 33,550 nor more than 34,000 inhabitants according to the 1970 or any subsequent federal decennial census, to repeal Act No. 926, H. 893, Regular Session 1961 (Acts of 1961, p. 1485), as amended, entitled, "To regulate the compensation and allowances of members of the jury commission and the clerk of the jury commission of counties having populations of not less than 34,000 nor more than 35,500, according to the 1960 or any subsequent decennial census.

Also:

By Mr. Morris (with notice and proof):

H. 1012. Relating to Tallapoosa County; to regulate the compensation and allowances of members of the jury commission and the clerk of the jury commission.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1012, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Mr. Morris (with notice and proof):

H. 1014. Relating to Tallapoosa County; to amend Act No. 275, S. 470, Regular Session 1969 (Acts of 1969, p. 607), relating to the compensation of certain officers of Tallapoosa County, so as to further regulate the salaries of certain county officers.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1014, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Mr. Cross:

H. 1015. To repeal Act No. 612, H. 755, Regular Session 1967 (Acts 1967, p. 1416) as amended by Act No. 1069, H. 1721, 1971 Regular Session (Acts 1971, p. 1912), which provides for the appointment and compensation of a clerk for the sheriff in counties having a population of not less than 22,550 nor more than 24,550 according to the 1960 federal decennial census, or not less than 27,000 nor more than 27,900 according to the 1970 federal decennial census.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 1013, 1002, 1001, 980, 781, 331, 1005, 1003, 1009, 1010, 1011, 1012, 1014, and 1015. To the Committee on Local Legislation No. 1.

REPORT FROM RULES

Mr. Clemon, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 467. CONGRATULATING MR. AND MRS. HINTON WATERS ON THEIR GOLDEN WEDDING ANNIVERSARY.

On motion of Mr. Fine, said Resolution was then concurred in and adopted by the Senate.

FURTHER CONSIDERATION OF H. B. 119

The Senate proceeded to further consideration of the Bill, H. B. 119.

The question was on the substitute reported by the Standing Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Langford (with notice and proof):

H. 1040. Relating to the Fifteenth Judicial Circuit: to create the office

of Official Grand Jury Reporter for the Grand Juries of the Counties comprising such Circuit; to provide for the duties, powers, method of appointment and salary of such reporter.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1040, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Messrs. Harris, Barron, Wyatt, Holmes (A), Plaster and Langford (with notice and proof):

H. 1044. To allow the District Attorney for the Fifteenth Judicial Circuit to initiate and conduct a Pre-Trial Diversionary Program within said circuit for first offenders who are charged or may be charged with certain offenses, and to permit the District Attorney to bring legal proceedings against diversion applicants and/or other criminal defendants on behalf of victims of crime.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 1044, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Mr. Riddick:

H. 737. To repeal Act No. 1493, S. 1090, 1971 Regular Session (Acts of 1971, p. 2571), relating to the practice of barbering in counties having populations of not less than 175,000 nor more than 300,000; providing for the regulation of such practice through county boards of barber examiners; and providing for the organization and administration of said boards.

Also:

By Mr. Riddick (with notice and proof):

H. 138. Relating to the practice of barbering in Madison County, Alabama; providing for the establishment of a County Board of Barber Examiners; providing further for the authority and duties of such board with respect to the licensing of barbers, barbers' apprentices, schools of barbering and owners and instructors thereof; providing for the appointment, terms and compensation of the members of such board; prescribing qualifications and fees of licensing of such board; providing rules and regulations and providing for the adoption by the board of rules and regulations; and declaring that the public health requires the necessity of the enactment of such provisions of law.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 138, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 1040, 1044, 737, and 138. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. McCulley (with notice and proof):

H. 985. Relating to Washington County; raising the sheriff's salary to \$18,000, beginning with the next term; repealing any expense allowances.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 985, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Messrs. Merrill, Quarles, Homes (D), and Shelton (with notice and proof):

H. 982. Relating to Calhoun County; to authorize the county commission to allocate county funds to assist rural fire departments.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 982, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Messrs. Merrill, Quarles, Holmes (D), and Shelton (with notice and proof):

H. 981. Relating to Calhoun County; to increase the mileage compensation paid to individuals by the county commission.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 981, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Messrs. Holley and Folmar:

H. 944. Proposing an amendment to the Constitution of Alabama to authorize the consolidation of the offices of tax assessor and tax collector of Coffee County and the establishment of a consolidated and unified system for the assessment and collection of taxes in such county.

Also:

By Mr. McCulley (with notice and proof):

H. 986. Relating to Washington County; providing for service of jury summonses, witness subpoenas, notice of appointment of election officials and notice of tax liens by mail.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 986, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Mr. Mitchem (with notice and proof):

H. 988. An act relating to the municipality of TOWN OF MOORE'S CROSSROADS to alter, re-arrange and extend its boundaries.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 988, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Mr. Campbell (with notice and proof):

H. 996. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Pennington, in Choctaw County.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 996, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 985, 982, 981, 944, 986, 988, and 996. To the Committee on Local Legislation No. 1.

(The above numbered Bill, H. B. 944, was read a first time at length as required by the Constitution.)

FURTHER CONSIDERATION OF H. B. 119

The Senate proceeded to further consideration of the Bill, H. B. 119.

The question was on the substitute reported by the Standing Committee on Finance and Taxation.

REPORT OF
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 336. To repeal Act No. 70, S. 60 of the 1977 First Special Session of the Legislature (Acts of 1977, p. 1499) entitled, "An Act Relating to all counties having a population of not less than 35,000 nor more than 38,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide additional compensation for members of the county commission."

Also:

S. 337. To amend Section 4 of Act No. 182, H. 439, Regular Session 1977, which act provides for the reidentification of registered voters of Chambers County so as to further provide for the compensation of the members of the board of registrars for attendance upon special sessions of the board.

Also:

S. 338. To amend Section 2 of Act No. 50, H. 91 of the 1977 First Special Session (Acts of 1977, p. 1472) entitled, "An Act Relating to all counties having a population of not less than 35,000 nor more than 38,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide additional compensation for the members of the county commission," so as to provide that the additional compensation be paid out of any county fund or funds, including the road and bridge fund.

Also:

S. 465. Relating to Crenshaw County, providing certain compensation to members of the county hospital board in lieu of expense reimbursements now payable to such persons, and repealing conflicting laws.

Also:

S. 471. Relating to Crenshaw County; providing an additional expense allowance for the county coroner.

Also:

S. 491. To authorize, provide for and regulate the establishment and operation of a pension and retirement system for employees of the City of Childersburg and certain municipal boards of such city; to authorize and provide for the establishment of the Childersburg Employees Pension Trust Fund, provide for the composition, management and administration of such trust funds; and to authorize, provide for and regulate the payments of benefits under the system.

Also:

S. 527. To apply in Jefferson County, Alabama, and to authorize the County Board of Health in such county to solicit, receive, hold or dispose of by sale or otherwise any gifts, grants, devises and bequests of money, real estate or any other thing of value and to use Jefferson County Board of Health funds

to match or supplement any such gifts, grants, devises and bequests of money, real estate or any other thing of value to carry out the purpose or purposes for which any such gifts, grant, devise or bequest of money, real estate or other thing of value was given or granted; to further authorize said Board to purchase, sell or exchange any real or personal property needed to carry out the functions of said Board.

Also:

S. 572. Relating to Etowah County; to provide for vesting the general administration and supervision of the public schools and educational interest of certain incorporated municipalities in a city board of education.

Also:

S. 567. To propose an amendment to the Constitution of Alabama relating to fees and compensation of officers and the costs and charges of courts in Russell County.

U. W. CLEMON,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing report from the Committee on Rules.

FURTHER CONSIDERATION OF H. B. 119

The Senate proceeded to further consideration of the Bill, H. B. 119.

The question was on the substitute reported by the Standing Committee on Finance and Taxation.

MOTION TO ADJOURN LOST

At 5:10 P.M., Mr. Jones moved that the Senate adjourn until Wednesday, April 5, 1978, at 12 o'clock Noon.

Mr. Vacca offered a substitute motion that the Senate adjourn until Wednesday, April 5, 1978, at 12:01 A.M., which motion was lost.

Yeas 2; Nays 29.

Yeas: Messrs. St. John, Vacca.

—2

Nays:

Messrs. Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Peden, Perloff, Perry, Powell, Proctor, Shelby, Teague, Waldrop, Wilson.

—29

The question recurred on the motion of Mr. Jones that the Senate adjourn until Wednesday, April 5, 1978, at 12 o'clock Noon, and said motion was lost.

Yeas 13; Nays 15.

Yeas:

Messrs. Adams, Bank, Ellis, Fine, Foshee, Jones, McMillan, Peden, Powell, Proctor, Shelby, Vacca, Waldrop.

—13

Nays:

Messrs. Baker, Clemon, Edwards, Gilmore, Goodwin, Higginbotham, King, Little, Mims, Mitchell, Noonan, Owen, St. John, Teague, Wilson.

—15

ADJOURNMENT

At 5:15 P.M., on motion of Mr. Goodwin, pending further consideration of H. B. 119, the Senate adjourned until Wednesday, April 5, 1978, at 2 o'clock P.M.

Yeas 16; Nays 15.

Yeas:

Messrs. Adams, Baker, Bank, Clemon, Fine, Goodwin, Jones, McDonald (A), Peden, Powell, Proctor, Roberts, St. John, Shelby, Waldrop, Wilson.

—16

Nays:

Messrs. Clemon, Ellis, Foshee, Gilmore, Higginbotham, King, Little, McMillan, Mims, Mitchell, Noonan, Owen, Perloff, Teague, Vacca.

—15